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Explaining Escalation: The Security Dilemma in Three Contemporary International Conflicts

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Abstract
This paper analyzes the security dilemma through a comparative qualitative study of three conflicts: Russia–Ukraine, Israel–Palestine, and Thailand–Cambodia. Despite differences in geography, scale, and actors, all three cases show how mistrust, misperceptions, and defensive actions perceived as offensive drive cycles of escalation. The Russia–Ukraine conflict illustrates a systemic dilemma, shaped by identity, sovereignty, spheres of influence, and NATO expansion. The Israeli–Palestinian case highlights the limits of the framework in asymmetric conflicts, where overt hostility reduces the role of misperception. The Thailand–Cambodia dispute demonstrates how symbolism and identity can escalate a minor territorial dispute into a broader national conflict. Overall, the study confirms the security dilemma as a valuable explanatory tool in International Relations, conditioned by identity, asymmetry, and hegemonic ambitions.

Keywords
Security Dilemma; Realism; Russia–Ukraine; Israel–Palestine; Thailand–Cambodia; Identity Politics; International Affairs

INTRODUCTION

International conflicts have long been central to the study of International Relations, with scholars seeking to understand why rivalry, mistrust, and violence persist despite repeated attempts at cooperation. One of the most influential frameworks for explaining this phenomenon is the security dilemma, first articulated by Herz (1950) and later developed by Jervis (1978). In an anarchic system, where no overarching authority guarantees security, defensive measures such as military buildups or alliances are often perceived as offensive threats. These misperceptions can trigger spirals of escalation even when no aggression was intended initially.

The research problem addressed in this study is how the security dilemma manifests across different types of conflicts, systemic, asymmetric, and symbolic, and whether its explanatory power is universal or requires contextual adaptation.

The objective of this paper is to apply the security dilemma framework to three distinct yet illustrative cases: the Russia–Ukraine war, the Israeli–Palestinian conflict, and the Thailand–Cambodia dispute over the Preah Vihear Temple. Through a comparative qualitative analysis, the study identifies both shared dynamics of mistrust and escalation and important variations shaped by identity, asymmetry, and hegemonic ambition.

The significance of this research lies in bridging theoretical and empirical gaps in the literature. By juxtaposing a great-power rivalry (Russia–Ukraine), an asymmetric confrontation

(Israel–Palestine), and a symbolic territorial dispute (Thailand–Cambodia), the study demonstrates both the universality of the security dilemma and the necessity of contextualizing it. This contributes to realist debates while offering practical insights into why peace remains elusive in conflicts driven less by material stakes than by identity, mistrust, and power politics.

This study argues that while the core mechanism of the security dilemma is universal, its primary driver varies across contexts: misperception dominates in systemic great-power rivalries, explicit hostility shapes asymmetric conflicts, and ontological insecurity drives symbolic territorial disputes. By identifying these context-dependent drivers, the study offers a typological refinement of the security dilemma, showing that its escalation mechanisms differ in predictable ways that single-case studies cannot reveal. This comparative perspective contributes to ongoing debates by demonstrating that the security dilemma is not merely adaptable but structurally differentiated across conflict types.

METHODOLOGY

This study employs a comparative qualitative case study approach to examine the dynamics of the security dilemma in three conflicts: Russia–Ukraine, Israel–Palestine, and Thailand–Cambodia. The cases were deliberately selected using a most-different systems design. Although they differ significantly in scale, geography, and the actors involved, each demonstrates how defensive measures intended to ensure survival can be interpreted as offensive threats. This diversity allows broader generalizations about the applicability of the security dilemma across contexts. The most divergent system design was explicitly chosen to test the framework under highly divergent conditions: systemic great-power rivalry, asymmetric confrontation, and symbolic identity-driven dispute, thereby assessing the theory's robustness and adaptability.

Case selection follows three explicit criteria. First, each conflict involves a territorial dispute with high symbolic and identity value. Second, identity-driven narratives and historical claims shape state behavior beyond material or strategic calculations. Third, all three cases exhibit visible manifestations of the security dilemma, in which defensive measures are perceived as offensive threats. The cases were selected because they are ongoing or have recently escalated, allowing the dynamics of the security dilemma to be observed in real time rather than reconstructed retrospectively.

The Russia–Ukraine war represents a systemic confrontation characterized by great-power politics, identity, spheres of influence, and hegemonic ambitions. The Israeli–Palestinian conflict exemplifies an asymmetric case, where one actor is a recognized state and the other a fragmented non-state entity with limited international recognition. The Thailand–Cambodia dispute illustrates how symbolism and national identity, rather than material resources, can escalate into interstate rivalry. Together, these cases provide analytical leverage for testing both the universality and adaptability of the security dilemma framework.

This research is grounded in realist theory, as the security dilemma is itself a core realist concept that explains conflict escalation under conditions of anarchy and uncertainty. The cases examined involve persistent insecurity, power asymmetries, and external alliances, making realism particularly well-suited to analyzing how states interpret threats and respond through security measures. Taken together, defensive and offensive realism provide a framework capable

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of explaining both restraint and expansion as rational strategies, allowing the study to move beyond normative judgments toward causal analysis.

The research draws primarily on secondary sources, including articles, books, policy papers, and official documents. Relevant international treaties, United Nations resolutions, and International Court of Justice rulings are used to contextualize the legal and institutional dimensions of the conflicts. Scholarly contributions on realism, the security dilemma, and regional politics provide the theoretical foundation.

The study proceeds in three stages. First, each case is analyzed individually, focusing on historical background, contemporary developments, and the logic of the security dilemma. Second, the interplay between defensive and offensive realist dynamics is explored within each conflict. Finally, a comparative synthesis identifies common patterns and significant differences, highlighting the roles of identity, asymmetry, external alliances, and the limitations of international law.

In this comparative design, the dependent variable is the escalation of the security dilemma, manifested through reciprocal defensive measures and the deterioration of diplomatic relations. The independent variables influencing this escalation are: 1) identity politics and symbolic attachment to territory, 2) power asymmetry between actors, and 3) involvement of external alliances or great powers.

Data for all three cases were derived from qualitative content analysis of policy documents, official statements, academic publications, and international legal sources, including United Nations resolutions and International Court of Justice (ICJ) rulings. In particular, the analysis draws on the ICJ Judgment in the *Temple of Preah Vihear* case (Cambodia v. Thailand, 1962) and its Interpretation Judgment (2013).

Coding involved identifying empirical indicators, such as military deployments, treaty violations, symbolic claims, political speeches, and media discourse, and assigning them to one of three analytical variables. To ensure reliability and analytical transparency, a qualitative codebook was developed prior to the analysis. The codebook specified concrete empirical indicators for each variable. *Perceived threat* was identified through references to military deployments, mobilization, changes in force posture, and security doctrines. *Mistrust* was coded through instances of failed negotiations, withdrawal from or violation of agreements, institutional breakdowns, and explicit accusations of bad faith. *Identity and territorial symbolism* were identified through symbolic claims, historical narratives, references to sacred or nationally significant territory, and the rhetorical framing of disputes in political speeches and official discourse.

Empirically, these indicators were recorded using frequency-based qualitative counts across the analyzed material. For each case, coded segments were grouped by variable, allowing comparison of the relative prominence of threat perception, mistrust, and identity narratives. Although the study does not aim at quantitative measurement, the relative frequency and recurrence of indicators provided a systematic basis for cross-case comparison. All source material, including policy documents, United Nations resolutions, ICJ rulings, academic literature, and official statements, was reviewed twice using this coding scheme. Although a single researcher conducted the coding, consistency was ensured through iterative comparison of coded segments across cases, with revisions documented in a structured coding memo. This procedure enhances replicability and minimizes subjective drift during data interpretation.

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To ensure analytical coherence across the three case studies, the relationships among these variables are structured through a conceptual comparative matrix. Identity-driven territorial claims and historical narratives shape perceptions of threat, power asymmetry determines the strategic options available to each actor, and external alliances either amplify or mitigate the perceived security costs of escalation. These three independent variables interact to influence the dependent variable, the escalation of the security dilemma. In other words, when identity intensifies mistrust, asymmetry enables coercive strategies, and alliances reduce the perceived risks of escalation, defensive actions are more likely to be interpreted as offensive, generating conflict spirals.

As with any qualitative study, certain limitations must be noted. The analysis relies primarily on secondary sources, which may reflect the biases or framing of existing scholarship and policy debates. Furthermore, the dynamic nature of ongoing conflicts, particularly in Ukraine and the Middle East, means that developments occurring after the completion of this research may alter specific details. However, they are unlikely to undermine the broader theoretical insights. Nonetheless, this study contributes by juxtaposing systemic, asymmetric, and identity-driven conflicts within a single analytical framework, offering a more comprehensive understanding of the variations of the security dilemma across different levels of analysis.

Several alternative cases were considered during the research design process, including China–Taiwan (systemic rivalry), India–Pakistan (asymmetric dyad), and Greece–Turkey (symbolic territorial dispute). These cases were ultimately excluded because they introduce additional confounding factors, such as nuclear deterrence, stable dyadic rivalry structures, or NATO-related institutional constraints, which would complicate the typological clarity of the analysis. In contrast, the three selected cases, Russia–Ukraine, Israel–Palestine, and Thailand–Cambodia, represent distinct ideal types, allowing the study to isolate the primary mechanisms of the security dilemma across systemic, asymmetric, and symbolic contexts. An additional advantage of these cases is their contemporary relevance. All three conflicts are ongoing or have recently escalated, providing access to updated empirical material and enabling the dynamics of the security dilemma to be observed in real time rather than reconstructed retrospectively.

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

The security dilemma has become one of the central analytical tools in international relations, firmly rooted in the broader school of structural realism, or neorealism. Unlike classical realism, which attributes state behavior to human nature or anthropological drives, structural realism emphasizes the constraining influence of the international system's anarchic structure. Kenneth Waltz's "Theory of International Politics" (2010) is often credited with crystallizing this perspective, highlighting how the absence of a central authority compels states to prioritize survival and act with caution. In this view, the systemic pressures of anarchy, rather than leaders' personal choices, are decisive in shaping state conduct.

The anarchic system creates an environment of uncertainty. While states can be confident about their own intentions, they can never be certain of others'. This uncertainty is magnified by the dual-use nature of military capabilities, as what is built for defensive purposes can easily be interpreted as offensive preparation. Thus, when one state enhances its military strength for self-protection, others may perceive this as a threat, prompting reciprocal buildup.

The result is the well-known "spiral model" or "security paradox" (Jervis 1978), in which mutual suspicion and misperceptions transform defensive behavior into drivers of escalation and arms races.

Within structural realism, defensive and offensive variants provide distinct interpretations. Defensive realism, associated with Kenneth Waltz and Robert Jervis, contends that states are primarily motivated by the imperative of survival. In this framework, the absence of trust and the dominance of self-help explain why even defensive actions often trigger cycles of escalation. Offensive realism, by contrast, as articulated by John Mearsheimer, Kier Lieber, and Fareed Zakaria, posits that states cannot be content with mere survival. Instead, they are driven to maximize their relative power, expanding militarily and politically to ensure long-term security, even at the expense of destabilizing the system.

The issue of alliances is central to both approaches. States may choose balance-of-power strategies, forming coalitions to counter rising threats (Mearsheimer 2010), or they may adopt bandwagoning behavior, aligning with stronger states in search of protection and benefits. Scholars like Stephen Walt (1987) emphasize that balancing is more common, as it better serves states' survival. Glenn Snyder (1997), however, argues that alliances remain inherently unstable, shaped by shifting interests, territorial ambitions, and ideological cleavages. This instability often produces fears of defection or abandonment, further reinforcing the logic of the security dilemma.

Contemporary geopolitical dynamics add complexity to these debates. The growing influence of China, for instance, has altered regional balances of power and indirectly intensified conflicts elsewhere, as noted by recent Western policymakers (Blinken and Drury 2024). Such developments illustrate how external actors can exacerbate existing dilemmas, reinforcing mistrust and escalating disputes far beyond their local origins.

There remains a notable gap in the literature regarding the application of structural realism and the security dilemma framework across conflicts of varying scale and nature. Much of the existing scholarship has focused on great-power rivalries, particularly the Russia–Ukraine war since 2014 and 2022. However, these studies rarely place such systemic confrontations in dialogue with either symbolic, identity-driven disputes or asymmetric conflicts involving non-state actors. The Israeli–Palestinian conflict is often analyzed through lenses of colonialism, nationalism, or religious identity, while the Thailand–Cambodia dispute has been chiefly studied from legal and bilateral perspectives. Both, however, have seldom been integrated into broader theoretical debates on the security dilemma.

This paper seeks to address this gap by extending the applicability of structural realism to three different regional contexts: great-power rivalry (Russia–Ukraine), asymmetric confrontation (Israel–Palestine), and a symbolic, identity-driven dispute (Thailand–Cambodia). Through comparative analysis, the study demonstrates how mistrust, alliances, and perceptions of threat can escalate conflicts regardless of territorial size or material stakes. By bridging these diverse cases, the paper contributes to the underdeveloped body of comparative research on the universality of the security dilemma. It highlights the necessity of contextual adaptation in analyzing contemporary conflicts.

While realism provides the primary framework for explaining escalation in all three conflicts, alternative theoretical perspectives offer valuable complementary insights. Constructivism emphasizes that state behavior is shaped not only by material threats but also by

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identity, historical narratives, and the symbolic meanings attached to territory. In this view, insecurity emerges not merely from the anarchic structure of the international system but from how actors perceive one another and construct threat narratives (Wendt 1992). Accordingly, the security dilemma can escalate even in situations where no material military threat objectively exists.

Similarly, institutional liberalism argues that even under anarchy, international institutions can reduce uncertainty and mistrust by increasing transparency, facilitating communication, and creating expectations of stable behavior (Keohane 1984). Institutions serve as platforms through which states share information, clarify intentions, and monitor compliance, thereby reducing the risk that defensive actions will be misinterpreted as aggressive. From this perspective, the security dilemma is not inevitable: cooperative arrangements, legal commitments, and confidence-building measures can mitigate perceived threats. The failure of institutions, therefore, is analytically significant, not because institutions lack authority, but because actors do not fully trust the institutional framework to constrain the other side.

A related constructivist contribution comes from Mitzen (2006), who introduces the concept of ontological security, the need to preserve a stable and continuous sense of national identity. In such cases, conflict escalation may occur not because of tangible military threats but because compromise is perceived as an existential challenge to collective identity. This dynamic is evident in disputes in which symbolic narratives, sacred spaces, or historical memories dominate decision-making, as in Jerusalem or at the Preah Vihear temple, where territorial concessions would undermine deeply embedded identity narratives.

These perspectives do not contradict realism but reveal the multidimensional nature of security dilemmas: fear may be structurally generated, but identity and institutional weakness determine how that fear escalates into conflict.

RUSSIA–UKRAINE: HISTORICAL AND GEOPOLITICAL DYNAMICS

Ukraine, the second-largest country in Europe after Russia, encompasses approximately 603,000 square kilometers and has a population of about 44 million. Its size, population, and geopolitical positioning make it a central actor in European affairs. Russia, by contrast, is the world's largest country and dominates the Eurasian continent both territorially and strategically. The vast scale and geopolitical weight of both states ensure that their conflict is not merely regional but has global ramifications across political, economic, and security domains.

The roots of the Russia–Ukraine conflict lie in a complex interplay of historical, cultural, and geopolitical factors. The two nations share longstanding ties, particularly through their Orthodox Christian heritage, which has shaped deep cultural and religious connections. Kyiv, often referred to as "the mother of Russian cities," carries symbolic significance comparable to that of Moscow and St. Petersburg. According to the 2001 census, approximately eight million ethnic Russians resided in Ukraine, mainly in the southern and eastern regions. Conversely, large numbers of Ukrainians have historically lived and worked in Russia, reflecting centuries of migration and mutual integration (Mandel 2016). This shared historical and cultural fabric has shaped contemporary tensions and continues to influence the conflict's dynamics. At the same time, overlapping claims of identity have become a central fault line in the confrontation.

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Russia, already the largest state in the world with vast natural resources and territory, has limited material incentive for geographic expansion. Its actions are instead driven by identity politics, hegemonic ambitions, and the desire to maintain influence over its near abroad. During the Soviet era, Ukraine held a prominent position as one of the largest and most strategically significant republics, playing a crucial role in agriculture, defense industries, and military capabilities. It also hosted key strategic assets, including the Black Sea Fleet and part of the nuclear arsenal. Following the dissolution of the Soviet Union, Ukraine declared independence and sought to become a sovereign state. Its post-independence trajectory has been shaped by attempts to balance closer integration with Western institutions, such as the European Union and NATO, while managing historically close ties with Russia. These competing orientations have reflected internal divides: western regions, predominantly Ukrainian-speaking and nationalist, generally favor European integration, whereas eastern regions, with larger Russian-speaking populations, tend to advocate closer ties with Moscow (Harris 2020).

The 2014 Revolution of Dignity marked a watershed moment. The ousting of pro-Russian President Viktor Yanukovych prompted Russia's annexation of Crimea and the outbreak of armed conflict in Eastern Ukraine, where Russian-backed separatists clashed with Ukrainian forces. This event represented the first annexation of European territory since World War II. In February 2022, Russia escalated the conflict by launching a full-scale invasion aimed at overthrowing President Volodymyr Zelenskyy's government, which had increasingly aligned with Western powers (Charap and Priebe 2023). President Vladimir Putin framed these actions within a broader narrative of defending ethnic Russians and Russian speakers, portraying intervention as a duty to protect "compatriots" and reclaim "historic Russian lands."[1]

Multiple attempts at conflict resolution have been pursued, including the Minsk Protocol, Minsk II, the Normandy Format agreements, and the Steinmeier Formula. Nevertheless, none have produced a durable peace. The 1997 Treaty on Friendship, Cooperation, and Partnership, intended to safeguard territorial integrity and prevent hostile use of territory, expired following the 2014 war.

For Russia, NATO enlargement into former Soviet territories has been a persistent source of resentment. Moscow has claimed that post-Cold War assurances against NATO expansion were violated, interpreting NATO's eastward enlargement as a strategic humiliation (Clem 2018). This perception has significantly shaped Russia's aggressive posture toward Ukraine.

The conflict has also attracted intense external involvement. The European Union and NATO have implemented sanctions against Russia and provided training, aid, and defensive equipment to Ukraine (Davis 2016). The United States has played a leading role, supplying political, military, and economic support (Charap and Priebe 2023). The United Nations has engaged diplomatically, but divisions within the Security Council, exacerbated by Russia's veto power, have limited its effectiveness. Germany and France, both through the EU and the Normandy Format, have engaged in repeated mediation efforts, while Turkey has occasionally

[1]By invoking the imperial-era term *Novorossiya*, Putin sought to legitimize territorial claims and mobilize nationalist sentiment. His rhetoric has consistently denied Ukrainian distinctiveness, asserting instead that Ukrainians are essentially Russians (Schwirtz et al. 2022). These miscalculations, particularly the assumption that Ukrainians would not resist, proved pivotal in shaping the course of the war (Solchanyk 2023). Putin further sought to delegitimize Ukraine's leadership, branding Zelenskyy's administration as neo-Nazi and calling for Ukraine's "demilitarization," framing the invasion as defensive rather than expansionist.

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positioned itself as a broker. Poland and the Baltic States have consistently advocated strong support for Ukraine, providing aid and lobbying for harsher sanctions against Russia. Belarus, by contrast, has openly supported Moscow.

The multiplicity of external actors not only globalizes the conflict but also reinforces the security dilemma, as defensive measures by one side are consistently interpreted as threats by the other. In contrast to the Russia–Ukraine case, where the security dilemma escalates into a systemic confrontation, the Israel–Palestine conflict demonstrates a persistent asymmetric dynamic.

ISRAELI–PALESTINIAN CONFLICT: ROOTS AND REALITIES

This section moves from describing events to analyzing the mechanisms behind escalation. The eruption of large-scale violence in October 2023 once again underscored the protracted and deeply entrenched nature of the Israeli–Palestinian conflict. Hostilities reignited when Hamas, the Islamist movement governing the Gaza Strip since 2007, launched a coordinated attack on Israeli territory. In an interview with Lebanon's LBC television on October 24, 2023, senior Hamas leader Ghazi Hamad reaffirmed the group's uncompromising stance: "Israel is a country that has no place on our land" (Pacchiani and Bachner 2023). Israel's response was immediate and forceful, involving ground operations in Gaza, a narrow enclave of just 365 km^2, and resulting in extensive civilian casualties in one of the most densely populated territories in the world. Prime Minister Benjamin Netanyahu encapsulated the government's framing of the crisis, stating: "The Bible says that 'there is a time for peace and a time for war.' This is a time for war" (Abrams 2023).

The Gaza Strip is home to around two million Palestinians, giving it one of the highest population densities globally. Alongside the West Bank, Gaza constitutes the core of the Palestinian territories, where roughly five million Palestinians reside today. Political division compounds the humanitarian crisis: since the 2007 schism, Hamas has exercised de facto rule in Gaza, while Fatah and the Palestinian Authority under Mahmoud Abbas govern parts of the West Bank (Spitka 2023). Beyond these territories, millions of Palestinians live in Israel or as refugees in neighboring states, reflecting the conflict's longstanding displacement dimension.

The roots of the conflict lie in overlapping nationalisms and colonial legacies. Under the British Mandate (1920–1948), contradictory promises to Jews and Arabs sowed enduring grievances. The Holocaust intensified Jewish demands for a homeland, culminating in mass immigration despite Arab opposition. The 1947 UN Partition Plan proposed the creation of separate Jewish and Arab states; Jewish leaders accepted it, while Arab leaders rejected it (Mock et al. 2012). Following Britain's withdrawal in 1948, the declaration of the State of Israel sparked the first Arab–Israeli war, inaugurating decades of violence, displacement, and contested sovereignty.

Successive wars and uprisings deepened divisions. The 1967 Six-Day War and 1973 Yom Kippur War reshaped territorial realities and regional geopolitics. The First (1987–1993) and Second Intifadas (2000–2005) revealed the persistence of Palestinian resistance and Israeli countermeasures, while more recent clashes in Gaza, including Operation Cast Lead (2008–2009), the 2012 conflict, and Operation Protective Edge (2014), reinforced the cyclical pattern of

violence. The 2023 escalation fits this trajectory of recurring clashes, unresolved grievances, and failed diplomacy.

Repeated peace efforts, from the Oslo Accords (1993) to the Annapolis Conference (2007) and the Kerry Initiative (2013–2014), have failed to produce a final-status settlement (İşleyen 2015). The persistence of violence despite diplomatic initiatives highlights the difficulty of reconciling existential narratives and mutually exclusive claims to land. The conflict's asymmetric nature further complicates resolution: Israel is a fully recognized and militarily dominant state, while Palestine remains partially recognized, politically fragmented, and institutionally weak. This indicates that regional and international dimensions remain decisive. In 2012, the UN General Assembly granted Palestine non-member observer state status (Ahmed 2021), strengthening its participation in global forums without full membership. Arab states continue to express rhetorical and diplomatic support, but normalization agreements between Israel and Gulf states, such as the UAE and Bahrain, reflect shifting regional priorities (Lintl 2018). Iran positions itself as a patron of Hamas, while Saudi Arabia balances support for Palestinian aspirations with strategic competition with Tehran.

Global powers also shape the conflict. The United States remains Israel's strongest ally, providing military aid and diplomatic backing, while Russia maintains ties with both sides. The European Union advocates a two-state solution but struggles to exert meaningful influence. Turkey acts as a vocal supporter of Palestinian rights, providing humanitarian aid and diplomatically challenging Israel.

In sum, the Israeli–Palestinian conflict exemplifies the persistence of intractable disputes shaped by overlapping nationalisms, religious symbolism, and external interventions. Its asymmetric character, pitting a recognized state against a fragmented and partially recognized actor, complicates the traditional logic of the security dilemma, making cycles of violence likely to continue until fundamental questions of sovereignty, recognition, and statehood are addressed.

A different pattern emerges in the Thailand–Cambodia conflict, where symbolic prestige, rather than military leverage, drives escalation.

THAILAND–CAMBODIA CONFLICT: IDENTITY, SYMBOLISM, AND GEOPOLITICS

Unlike Russia–Ukraine, where misperception dominates escalation, and Israel–Palestine, where explicit hostility drives insecurity, the Thailand–Cambodia dispute is fueled primarily by symbolic identity pressures. Although Thailand and Cambodia have long been recognized as sovereign states, their bilateral relationship has repeatedly been strained by territorial disputes, most prominently over the Preah Vihear Temple (Wagener 2011). Perched atop the Dângrêk Mountains near the border, the temple and its surrounding 4.6 km² of contested land represent only a fraction of the 803-kilometer frontier between the two countries. However, the symbolic, cultural, and political weight of the dispute far exceeds its limited geographic scale.

For Cambodia, Preah Vihear is not merely a religious monument but a cornerstone of national identity. Built in the 11th century under King Suryavarman II, it embodies the architectural and civilizational achievements of the Angkorian Empire (Touch 2009). Following independence, Cambodia claimed the temple as part of its cultural patrimony. Today, it remains a site of pride, a marker of historical continuity, and a driver of tourism revenue. Challenges to

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Cambodian sovereignty over Preah Vihear are therefore interpreted as existential affronts to Khmer civilization and dignity (Croissant and Chambers 2011).

Thailand, by contrast, views the temple as an integral part of its own historical and cultural heritage. Once under Siamese control, the area was ceded to French Indochina through the 1904 demarcation and 1907 treaty. Since Cambodia's independence, Thai leaders and nationalist movements have periodically contested Cambodian sovereignty, framing their claims as matters of historic justice, cultural symbolism, and national pride rather than material interest (Croissant and Chambers 2011).

The International Court of Justice (ICJ) sought to resolve the dispute in 1962, awarding sovereignty over the Temple of Preah Vihear to Cambodia based on the accepted boundary map and Thailand's prior conduct, which the Court interpreted as implicit recognition of Cambodian sovereignty (International Court of Justice 1962; Ciorciari 2014). However, the ruling did not clearly delimit the surrounding border area and therefore did little to resolve the conflict permanently. As a result, the temple has remained a flashpoint, with violence erupting in 2008 when Thai soldiers entered the disputed vicinity. Nationalist rhetoric in both countries, often mobilized for domestic political gain, has further exacerbated tensions and entrenched mutual hostility. The dispute re-escalated in the mid-2020s following renewed border incidents, including armed clashes and landmine-related casualties.

Beyond bilateral grievances, the conflict has acquired broader geopolitical resonance. Thailand's traditional alignment with the United States and other Western allies contrasts with Cambodia's deepening ties to China, which provides military and economic support (Cuasay 1998). These rival alignments have internationalized the dispute, transforming it from a localized quarrel into a stage for great-power competition in Southeast Asia. Such external involvement reduces the likelihood of bilateral compromise, as both states derive political and strategic support from powerful patrons.

International organizations have attempted to mediate the dispute, but with limited success. Cambodia has repeatedly sought international involvement, including a request to the ICJ in 2013 for an interpretation of its 1962 judgment. In its interpretation judgment, the Court reaffirmed that sovereignty over the Temple of Preah Vihear belongs to Cambodia and clarified that the promontory on which the temple is situated also falls under Cambodian sovereignty, while leaving broader border demarcation issues unresolved (ICJ 2013). Thailand, however, has continued to insist on bilateral negotiations, while internal divisions have similarly constrained ASEAN's mediation efforts. The resulting stalemate underscores the limitations of international institutions in resolving disputes rooted in identity, nationalism, and prestige, where compliance with legal rulings is often subordinated to domestic legitimacy and symbolic politics.

RUSSIA–UKRAINE CONFLICT: SECURITY DILEMMA DYNAMICS

Russia and Ukraine, once integral parts of the Soviet Union, initially separated peacefully, with agreements on cooperation and friendship. Their deep cultural and religious ties, particularly within Orthodox Christianity, complicate the narrative of enduring antagonism (Averre 2016). Nevertheless, these overlapping identities have become fault lines, transforming shared heritage into a source of rivalry rather than unity. Unlike the Israel–Palestine case, where

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explicit hostility replaces uncertainty, the Russia–Ukraine conflict follows the classical spiral model of the security dilemma, driven primarily by threat inflation and misperception.

The conflict demonstrates the classic logic of the security dilemma, in which misperceptions and communication failures generate cycles of escalation. Since 2014, Russia has justified its actions as the protection of ethnic Russians and Russian speakers, but Ukraine has consistently interpreted these claims as pretexts for expansion. Russia's annexation of Crimea and support for separatists have deepened mistrust, while Ukraine's perception of Russia as an aggressor has locked both parties into reciprocal suspicion (Harris 2020). Defensive measures by one side are perceived as offensive by the other, creating a spiral of insecurity.

This dynamic shows that Russia interprets Ukraine's westward orientation, especially toward NATO and the EU, as an existential threat to its sphere of influence. Ukraine, conversely, sees Russia's growing militarization as a direct attack on its sovereignty (Malyarenko and Wolff 2018). This has triggered parallel arms buildups, with each side perceiving itself as acting defensively while interpreting the other's behavior as offensive.

From the perspective of offensive realism, Russia's annexation of Crimea and sponsorship of separatist movements reveal not only defensive anxieties but also ambitions for regional hegemony. These actions highlight Moscow's drive to secure dominance in its near abroad. Ukraine's response, however, aligns more closely with defensive realism: by escalating militarily and seeking protection through NATO and EU partnerships, Kyiv frames its survival as dependent on external guarantees. Together, these moves perpetuate a balance-of-power logic in which Russia seeks to expand its influence while Ukraine seeks protection.

Hegemony lies at the core of the conflict. Russia insists on preserving a sphere of influence over former Soviet states and asserts its role as a great power that cannot be marginalized by the West (Clem 2018). Ukraine, by contrast, aims to reduce dependency on Russia by anchoring itself in Western institutions. Both sides rationalize their strategies as matters of national interest, but the outcome is an intensification of mistrust and a widening security dilemma that increasingly involves outside powers.

From a defensive realist lens, Ukraine perceives Russia's growing military footprint, both within occupied territories and on its borders, as an existential threat to its autonomy. This compels Ukraine to strengthen its defenses and deepen cooperation with NATO and the EU. What might be framed as a strategic choice is, in practice, a survival imperative. The involvement of external actors amplifies this logic: Ukraine interprets Western support as essential to sovereignty, while Russia views it as confirmation of encirclement.

ISRAELI–PALESTINIAN CONFLICT: THE SECURITY DILEMMA

To move beyond descriptive narratives, this section applies the security dilemma framework to show how actions motivated by defensive concerns are perceived as offensive, escalating the conflict. The Israel–Palestine case illustrates how the security dilemma operates even in an asymmetric conflict. Israel perceives Palestinian mobilization or territorial consolidation as a security threat, prompting defensive measures that Palestinians interpret as offensive domination. Conversely, Palestinian diplomatic or armed resistance is read by Israel as existential hostility, reinforcing the belief that no credible commitment to peace exists. Defensive

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actions on both sides thus reproduce a feedback loop driven not by aggressive intent, but by fear, mistrust, and identity-based claims to territory.

The causal mechanism is straightforward: fear of vulnerability produces militarization; militarization increases fear; and increased fear generates further militarization. Measures that Israel defines as defensive, such as the security barrier, checkpoints, and settlement expansion, are interpreted by Palestinians as territorial encroachment and proof that negotiations are meaningless. Each side interprets the other's defensive actions as offensive, reinforcing the dilemma.

The conflict illustrates the complexity of the security dilemma in an asymmetric context. Israel is a recognized state, whereas Palestine lacks full UN membership, though many states and international organizations recognize it. Additionally, Palestine is politically fragmented: Hamas controls Gaza, while the Palestinian Authority exerts limited governance in parts of the West Bank. This division complicates the application of the security dilemma framework.

At its core, the conflict is shaped by mutual perceptions of threat and insecurity. Both sides interpret each other's actions as hostile, generating cycles of mistrust and escalation. Unlike other cases, however, misperception plays a lesser role: Hamas has openly declared its objective of destroying Israel, leaving little ambiguity regarding intent (Spitka 2023). Consequently, Israeli defensive actions are not merely misread as offensive; they are often responses to explicitly hostile rhetoric and behavior.

The central mechanism here is explicit hostility rather than misperception, challenging the traditional assumption that ambiguity over intentions is necessary for the security dilemma to operate. This makes Israel–Palestine a crucial corrective case, revealing a variant of the dilemma driven by overt adversarial commitments.

The absence of reliable communication channels further exacerbates insecurity. With Hamas designated as a terrorist organization by Israel, opportunities for dialogue are minimal. Historical grievances, wars, displacement, and competing national narratives entrench mistrust, reinforcing the logic of the security dilemma. Defensive measures, such as military buildups or blockades, are perceived as preparations for aggression, deepening insecurity.

An arms race dynamic also characterizes the conflict. Israeli efforts to maintain regional military superiority are mirrored by Palestinian armed groups' attempts to acquire weapons and assert resistance. This mutual militarization fosters what can be described as security interdependence: each actor's measures to safeguard its security undermine the other's, producing a cycle of escalation.

From an offensive realist perspective, Israel prioritizes military superiority not only as a defensive necessity but also as a means of deterrence and regional dominance, historically demonstrated in actions such as the Six-Day War of 1967. Preemptive strikes remain a central element of Israeli doctrine. Palestinians have also acted offensively, most notably through the 2023 Hamas attack on Israel, aimed at shifting the balance of power and reinvigorating the Palestinian question amid growing normalization between Israel and Arab states.

From a defensive realist perspective, both sides act primarily to ensure survival. Israel frames its preemptive actions and military buildup as essential to national security in the face of existential threats. Palestinians portray armed resistance as a struggle for national liberation and self-determination, countering what they perceive as occupation and oppression (Canetti et al.

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2019). While their strategies differ, both actors justify their actions as defensive responses to existential insecurity.

Ultimately, the Israeli–Palestinian conflict remains trapped in a cycle of violence with little prospect for resolution. The October 2023 escalation and its aftermath demonstrate that hostilities not only persist but also intensify with each round. The humanitarian situation in Gaza underscores this reality: the targeting of densely populated areas, the blockade of essential goods, and large-scale civilian casualties constitute clear violations of international humanitarian law. However, the international community has largely been unable to enforce compliance. The repeated paralysis of the UN Security Council, particularly due to vetoes by major powers, highlights the structural weakness of global institutions in restraining violence and protecting civilians. This inability reinforces the logic of the security dilemma, as both sides continue to rely on force rather than trust, law, or diplomacy to guarantee their survival.

Although this analysis relies predominantly on secondary sources, triangulation across academic research, policy documents, and official statements helps mitigate interpretive bias.

The central mechanism in the Israeli–Palestinian conflict is not misperception but explicit hostility, which challenges the traditional assumption that ambiguity over intentions is necessary for the security dilemma to operate. As such, Israel–Palestine represents an important corrective case, revealing a variant of the dilemma driven by overt adversarial commitments rather than uncertainty.

THAILAND–CAMBODIA DISPUTE: SECURITY DILEMMA DYNAMICS

Misperceptions of intent primarily fuel the security dilemma between Thailand and Cambodia. For Thailand, Cambodia's claims over the Preah Vihear Temple represent not merely a territorial dispute but a challenge to its national prestige and historical legitimacy. The temple symbolizes the legacy of the Siamese Empire, and Cambodian assertions of sovereignty are perceived as undermining Thailand's status in the region (Singhaputargun 2015). Conversely, Cambodia interprets Thailand's actions as direct threats to its territorial integrity and national identity. For Cambodians, the temple embodies Khmer civilization, and any challenge to its sovereignty strikes at the heart of cultural pride and historical continuity (Touch 2009).

This differs sharply from the other two cases: unlike Russia–Ukraine (systemic rivalry) and Israel–Palestine (asymmetric hostility), escalation here is rooted less in material threats and more in ontological insecurity linked to symbolic territorial claims. This mutual attachment transforms a minor territorial issue into an identity-driven conflict. In an anarchic environment marked by distrust, defensive measures, such as border militarization, are often perceived as offensive provocations. Steps intended to secure sovereignty are reinterpreted as preparations for aggression, reinforcing the classic spiral model of the security dilemma, where defensive moves accelerate mutual suspicion and escalation.

From the lens of defensive realism, both states prioritize survival and sovereignty. Cambodia, fearing Thai encroachment, has bolstered its border defenses, while Thailand has mirrored these measures. Each side interprets the other's buildup as threatening, creating a spiral of insecurity. The case exemplifies how actions meant for self-preservation can be misperceived as hostile, deepening mistrust.

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At the same time, offensive realism provides insight into Thailand's rejection of international rulings, including the 1962 International Court of Justice (ICJ) decision, and its preference for bilateral negotiations. Such behavior signals an ambition to assert regional dominance through military strength and strategic alliances. Similarly, Cambodia's alignment with China, which provides significant economic and military support, illustrates a reactive form of offensive realism. By fortifying its defenses and seeking international backing, Cambodia not only safeguards sovereignty but also enhances its regional leverage (Cheunboran 2021).

External alliances further complicate the dispute. Thailand, traditionally aligned with the United States and Western powers, pursues a balance-of-power strategy to maintain regional influence. Cambodia, meanwhile, has adopted a bandwagoning approach, aligning with China to strengthen its position against Thai dominance. These rival alignments transform the dispute from a bilateral issue into part of a broader geopolitical contest, making resolution more elusive.

The conclusion that international law has failed in this case is not based on the absence of legal norms or adjudication, but on the gap between legal rulings and behavioral outcomes. Although the International Court of Justice awarded sovereignty over the Temple of Preah Vihear to Cambodia in 1962 and reaffirmed key elements of that judgment in 2013, these decisions did not prevent repeated militarization, armed incidents, or renewed escalation around the disputed area. Thai military deployments in the vicinity of the temple after the judgment, the outbreak of violence in 2008, and subsequent border incidents demonstrate that legal clarification alone did not alter security behavior on the ground.

Moreover, compliance with international legal rulings has been selective and politically conditioned. While both Cambodia and Thailand formally acknowledge the authority of international law, their actions have been shaped primarily by relative power, domestic legitimacy, and alliance considerations. Thailand, relying on its military capabilities and strategic partnerships, has resisted external enforcement and insisted on bilateral negotiations, thereby limiting the practical impact of judicial rulings. ASEAN's inability to enforce or mediate compliance further illustrates how institutional mechanisms lack coercive capacity when nationalist prestige and sovereignty claims dominate. Taken together, these patterns indicate that international law functioned as a normative reference but failed to constrain security-driven behavior, reinforcing balance-of-power dynamics and sustaining the security dilemma.

When compared with the Russia–Ukraine and Israel–Palestine conflicts, the Thailand–Cambodia case illustrates how even disputes over small tracts of land can escalate into existential struggles when identity and national symbolism are at stake. Unlike the material stakes of the Russia–Ukraine confrontation or the pronounced asymmetry of the Israel–Palestine conflict, the primary driver in this case is prestige and heritage. However, the outcome is similar: a self-reinforcing cycle of mistrust and insecurity. Ultimately, escalation stems less from territorial stakes than from competition over narrative dominance.

KEY COMPARATIVE FINDINGS

To move from case-specific insights toward a comparative analytical synthesis, the findings from the three conflicts are presented jointly below. To avoid descriptive overload, this section focuses only on variables directly linked to the security dilemma. The study confirms that the security dilemma operates as a universal yet contextually variable mechanism across Russia–

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Ukraine, Israel–Palestine, and Thailand–Cambodia. Despite differences in geography, scale, and actors, all cases demonstrate that actions taken in the name of survival, military buildups, alliances, or defensive measures were consistently interpreted as offensive threats, fueling mistrust and escalation. Misperceptions of intent and communication failures were central across contexts, whether in the ambiguity of Russian motives, the contested symbolic ownership of the Preah Vihear Temple, or entrenched hostility between Hamas and Israel.

Beyond mistrust and security measures, external alliances significantly shape escalation dynamics. NATO support for Ukraine and Russia's opposition to Western expansion transformed a bilateral struggle into a systemic confrontation. Similarly, Cambodia's reliance on China and Thailand's ties to Western allies globalized a localized dispute, while the Israeli–Palestinian conflict remained heavily influenced by US, Russian, and regional interventions. In all three cases, alliances amplified insecurity, intensifying the spiral of escalation.

The analysis also highlights the persistent weakness of international law and institutions. The 1962 ICJ ruling on Preah Vihear, repeated UN resolutions on Palestine, and bilateral treaties between Russia and Ukraine provided legal frameworks but lacked enforcement. Outcomes were ultimately dictated by relative power and strategic interests, confirming realist assumptions about the primacy of material capabilities over juridical commitments.

At the same time, important differences emerge. The Thailand–Cambodia dispute revolved around a symbolic territory of only 4.6 km², yet identity and prestige elevated it into a national struggle. The Russia–Ukraine war represented a systemic great-power confrontation over hegemony and spheres of influence. The Israeli–Palestinian conflict differed further in its asymmetry: one side is a recognized state with superior capabilities, while the other is fragmented and only partially recognized. Moreover, while misperception dominates in the first two cases, intent in Israel–Palestine is less ambiguous: Hamas openly declared hostility toward Israel, and many Palestinians interpreted Israeli policies as evidence of permanent domination.

The Israel–Palestine case demonstrates that the security dilemma can escalate even when intentions are explicit rather than ambiguous, revealing a theoretically significant variant of the classical spiral model. This finding qualifies the model by showing that uncertainty is not always a prerequisite for the dynamics of the security dilemma.

Although each conflict appears territorial on the surface, the findings show that none are primarily about land. Russia, already the largest state in the world, does not require additional territory; Gaza's 365 km² is strategically insignificant but symbolically existential, and Preah Vihear is a small site elevated to national significance. These results underscore that the security dilemma is driven not only by material stakes but also by identity, sovereignty, and perceptions of survival.

The comparative findings are summarized in Table 1, which illustrates the causal linkages between mistrust, alliance dynamics, and escalation outcomes across the three conflicts. This table demonstrates that escalation intensity is not determined by territorial size or material value, but by how identity narratives and alliance structures shape perceived threats.

Table 1: Comparative Causal Dynamics of the Security Dilemma (Source: Author's own depiction)

Case	Driver of Mistrust	Role of Alliances	Escalation Outcome
Russia–Ukraine	Perceived NATO threat + identity (Russia's civilizational claim)	NATO/EU amplifies threat perception	Full-scale war (high escalation)
Israel–Palestine	Sacred identity + existential narratives	US/regional actors sustain an imbalance	Cyclical asymmetric escalation
Thailand–Cambodia	Symbolic prestige (Preah Vihear temple)	Weak mediation by ASEAN	Limited militarized standoffs

CONCLUSION

The comparative analysis of the Russia–Ukraine, Israeli–Palestinian, and Thailand–Cambodia conflicts demonstrates that the security dilemma is both universal and adaptable. Despite differences in geography, scale, and actor symmetry, the exact underlying mechanism persists: defensive measures intended to ensure survival are consistently interpreted as offensive threats, generating spirals of mistrust and escalation. Importantly, while all three conflicts appear territorial, they are not fundamentally about territory. Russia, already the largest state in the world, does not seek land but influence and recognition of identity. The Gaza Strip is too small to alter Israel's strategic depth, yet it embodies existential questions of sovereignty and statehood. The Preah Vihear Temple dispute involves only 4.6 km^2, yet its symbolic significance elevates it into a matter of national pride. These cases illustrate that power, mistrust, and identity politics, not material resources, are the deeper drivers of insecurity.

External alliances further amplify the dilemma, embedding local disputes within broader geopolitical rivalries. NATO's support for Ukraine, US patronage of Israel, and China's backing of Cambodia exemplify how global actors can reinforce insecurity rather than mitigate it. Meanwhile, the repeated failure of international law and institutions, from UN resolutions on Palestine to ICJ rulings on Preah Vihear, underscores the dominance of power politics over legal commitments in an anarchic world order.

This paper contributes by linking theoretical debates on the security dilemma with underexplored empirical cases, bridging a gap in comparative literature. By juxtaposing a systemic great-power rivalry, an asymmetric state–non-state confrontation, and a symbolic identity-driven dispute, the study demonstrates the universality of the security dilemma while showing that its manifestations are context-dependent. It highlights that misperceptions are not always the central driver; in some cases, explicit hostility or symbolic stakes take precedence.

In doing so, the study enriches both theory and practice: it extends the applicability of realism to conflicts often excluded from mainstream analysis, while offering insights into why peace remains elusive. The enduring lesson is that insecurity is not merely the product of arms and territory but of perceptions, mistrust, and identity. As long as these deeper drivers remain unresolved, the security dilemma will continue to shape international politics across diverse contexts. This study demonstrates that the security dilemma operates not only in material power rivalries but also in symbolic, identity-driven disputes.

Despite its contributions, this study has several limitations. First, the analysis relies on qualitative case comparisons, which, while rich in context, limit the ability to generalize findings

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across all conflicts. Second, the selection of three cases, while diverse, cannot capture the full range of security-dilemma dynamics in different regions, especially in conflicts involving nuclear powers or highly institutionalized settings. Third, the study primarily examines state-centric and symbolic disputes, leaving limited room to explore internal or transnational security dilemmas, such as insurgencies or cyber conflicts. Finally, while efforts were made to assess both material and identity-driven drivers, access to primary sources and reliable data remains constrained in some contexts, particularly Gaza and Preah Vihear, which may affect the depth of empirical insights. Future research could address these limitations by conducting broader comparative studies, employing mixed-methods analyses, and expanding fieldwork to strengthen and validate the findings.

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Dejan Marolov: conceptualization, methodology, writing – original draft. **Jordanka Galeva:** methodology, data curation, writing – review and editing.

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Reshaping European Security: Multidimensional Implications of the Russia–Ukraine Conflict

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Abstract
The Russia–Ukraine conflict has fundamentally reshaped Europe's security architecture, eroding the post–Cold War order established after 1991. This study analyzes its impact during the Biden administration across political and diplomatic relations, defense modernization, and non-traditional security challenges, including terrorism, migration, energy security, and food security. Drawing on realist theory and the Copenhagen School's securitization framework, the study shows how the conflict reflects great-power competition and how the European Union has securitized non-traditional threats. The findings indicate a sharp deterioration in Russia–Western relations, unprecedented European rearmament, intensified challenges from migration and terrorism, reduced dependence on Russian energy, and coordinated international efforts to stabilize food markets. The study highlights Europe's accelerated move toward strategic autonomy and the continuing need for multilateral cooperation and peaceful conflict resolution.

Keywords
Russia–Ukraine Conflict; European Security; Strategic Autonomy; Securitization; Energy Security; Great-Power Competition; International Affairs

INTRODUCTION

The Russia–Ukraine conflict stands as one of the most consequential geopolitical ruptures of the post–Cold War era, fundamentally reshaping Europe's security architecture and upending the international norms that have governed the continent since 1991. This protracted conflict has triggered profound transformations in diplomatic relations, security frameworks, and economic interdependencies across the Euro-Atlantic region, with ripple effects resonating throughout global governance structures and international power dynamics (Raik et al. 2024; Sadowska 2022).

The escalating confrontations have effectively dismantled the European security order painstakingly constructed over three decades, including foundational agreements such as the Paris Charter for a New Europe and the 1995 institutionalization of the Organization for Security and Cooperation in Europe (OSCE) (Kiet et al. 2025). This breakdown has compelled governments and multilateral institutions to fundamentally reassess their security policies in an era in which major powers increasingly resort to hard power to advance national interests, often with limited regard for international legal constraints.

In response, the European Union (EU), NATO, and individual European states have undertaken sweeping revisions of their security doctrines and foreign policy orientations. These strategic shifts have been remarkable: Sweden and Finland abandoned centuries-old neutrality

to join NATO; the EU accelerated defense integration through Permanent Structured Cooperation (PESCO); and even Switzerland, long regarded as the epitome of neutrality, increased its military exercises with NATO from 10 in 2023 to 24 in 2024 (Phong 2024).

This article examines how the conflict reshaped European security during the Biden administration across five critical domains: political and diplomatic relations, defense modernization, terrorism and migration challenges, energy security, and food security. The analysis aims to provide policymakers and researchers with essential insights into the fundamental transformations that occurred during this pivotal period, while advancing both theoretical and practical understanding of contemporary security challenges within an international system profoundly altered by this conflict.

THEORETICAL FRAMEWORK AND LITERATURE REVIEW

The impact of the Russia–Ukraine conflict on European security has emerged as a critical field of scholarly inquiry, with researchers examining transformations across political, military, economic, and social domains. This review synthesizes key academic contributions that inform understanding of how the conflict has fundamentally reshaped Europe's security architecture, while establishing the theoretical framework guiding this analysis.

This study employs realism as its primary theoretical lens, recognizing that the conflict exemplifies classic patterns of great-power competition in which states prioritize security and relative power gains (Kiet et al. 2026). The conflict demonstrates how major powers increasingly employ hard power to advance national security objectives, often with limited regard for international legal constraints (Raik et al. 2024; Kiet et al. 2025). Complementing this realist perspective, the Copenhagen School's securitization theory helps explain how the European Union (EU) has transformed energy and migration from economic or social concerns into existential security threats requiring extraordinary policy measures (Fetzer and Nikolovski 2025). This dual theoretical framework enables an integrated analysis of both traditional military-strategic dynamics and non-traditional security challenges arising from the conflict.

Recent scholarship highlights multiple dimensions of the conflict's transformative impact on European security. Raik et al. (2024) show how the conflict compelled the EU to abandon its traditional balancing strategy among major powers and adopt explicit geopolitical competition alongside firm alignment with the West, marking a shift from multilateral diplomacy toward hard-power politics. However, their analysis may underestimate Brussels' continued pursuit of strategic autonomy, particularly in economic and technological domains where concerns about overdependence on Washington persist. Kiet and Hiep (2025) situate this transformation within broader 21st-century great-power dynamics, arguing that the conflict has fundamentally ruptured the post–Cold War order; nonetheless, questions remain as to whether this rupture necessitates renewed bipolar confrontation or allows space for alternative security architectures. Moreover, the literature on military transformation remains emergent. Reports by the Stockholm International Peace Research Institute (SIPRI) (2024; 2025) document unprecedented increases in defense spending across NATO members, signaling a qualitative shift from post–Cold War complacency toward comprehensive military readiness. This study systematically examines how these financial investments translate into changes in strategic posture and alliance consolidation.

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Energy security scholarship traces Europe's dramatic strategic pivot following the outbreak of the conflict. Sadowska (2022) demonstrates how the war transformed energy from a predominantly economic concern into an existential security imperative, exposing the complex interdependencies between the European Union (EU) and Russia that had evolved over decades. Kiet et al. (2023) examine subsequent diversification strategies and show how policymakers have navigated the tension between short-term energy security and long-term strategic autonomy. However, these early analyses could not assess the actual effectiveness of the REPowerEU initiative. This research fills that gap by examining policy outcomes through early 2025, revealing both notable successes in renewable energy deployment and persistent vulnerabilities related to nuclear fuel supply and liquefied natural gas (LNG) imports.

Significant gaps also persist in the literature on non-traditional security challenges. While Spaaij and Zammit (2024) illuminate linkages between terrorism and geopolitical instability, scholarship on the intersection of migration and security remains fragmented and underdeveloped. Similarly, although Hassen and El Bilali (2022) and Mottaleb et al. (2022) establish a foundational understanding of conflict-induced disruptions to global food systems, the long-term effectiveness of adaptation strategies requires further examination. This study addresses these gaps through a comprehensive five-domain analysis extending through 2024.

Despite growing scholarly attention, substantial gaps remain in understanding the conflict's long-term implications and the interconnections among different security domains. Much of the existing literature examines political, military, energy, and social dimensions in isolation, overlooking critical linkages, for example, how energy policy choices influence defense spending or how migration pressures shape debates on strategic autonomy. By adopting a comprehensive five-domain framework, this study addresses this fragmentation. It demonstrates how transformations in one security dimension catalyze changes in others, generating cascading effects across Europe's security architecture.

METHODOLOGY

This article employs qualitative analytical methods drawn from the social sciences to examine the multifaceted impact of the Russia–Ukraine conflict on European security during President Joe Biden's administration (February 24, 2022–January 20, 2025). A qualitative research design is appropriate given the complexity of contemporary security dynamics and the study's focus on institutional responses, policy shifts, and evolving threat perceptions.

The primary methodological approach is document analysis, which enables an in-depth examination of international relations phenomena through the systematic review of carefully selected sources. Reference materials were drawn exclusively from reputable publications released after the outbreak of the conflict to ensure both reliability and temporal relevance. The document analysis followed a four-step procedure. First, primary and secondary materials were collected from a diverse range of sources, including official reports issued by international organizations (such as the European Union, NATO, the World Bank, the Food and Agriculture Organization, and Europol), research publications from leading institutes (including SIPRI and the International Energy Agency), peer-reviewed scientific articles indexed in Scopus and Web of Science databases, and major international media outlets. Second, the authenticity and reliability of the sources were assessed by examining their origins, authorship, publication dates, and data-

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collection methodologies. Third, a structured content analysis was conducted by coding and categorizing materials according to the study's core analytical themes: political-diplomatic relations, defense and military modernization, terrorism and migration, energy security, and food security. Both inductive and deductive approaches were applied to identify emerging patterns while simultaneously testing existing theoretical assumptions. Fourth, the findings were synthesized and interpreted through comparative analysis across multiple sources to enhance analytical rigor, comprehensiveness, and objectivity.

In addition, the study incorporates historical analysis to situate contemporary developments within their broader temporal and structural context. This method enables the systematic tracing of European security transformations from February 2022 to January 2025 and facilitates the identification of causal linkages and developmental trends across the examined security domains.

Several limitations should be considered when interpreting the study's findings. First, the analysis relies primarily on secondary sources, policy documents, and existing datasets, which may reflect institutional perspectives and inherent biases of the authors. Second, given the rapidly evolving nature of the Russia–Ukraine conflict, some empirical data and policy developments may have changed since the time of writing, potentially affecting the study's long-term accuracy. Third, the focus on EU and NATO responses may underrepresent the roles of other influential actors, including non-Western states, regional organizations, and domestic political dynamics within Russia and Ukraine. Finally, although the study adopts a multidimensional security framework, it does not include a quantitative assessment of causal relationships between specific policies and outcomes. This area warrants further empirical investigation.

Despite these limitations and the constraints of relying on publicly available information that cannot fully capture internal diplomatic processes, this article offers a timely and analytically valuable contribution to understanding contemporary European security dynamics, with broader implications for global security.

DIPLOMATIC REALIGNMENT AND THE NEW COLD WAR: RUSSIA–WEST RELATIONS IN CRISIS

The Russia–Ukraine conflict has generated profound structural transformations in Europe's political and diplomatic architecture, fundamentally dismantling the regional security order established by the Paris Charter for a New Europe. Signed in 1990 by European nations, the Soviet Union, the United States, and Canada, the Charter marked the end of the Cold War. It paved the way for a "new Europe" grounded in shared principles of peace, democracy, and cooperation (Kiet et al. 2025). This conflict has not only dismantled the European security system built over more than three decades, but it has also significantly altered global power balances, shaking the foundations of the existing international order.

The conflict has "pushed relations between Russia and the EU to their lowest point in decades since the end of the Cold War" (Zhigao 2024). The deterioration stems from three interconnected mechanisms that explain the severity and rapidity of the diplomatic collapse. First, Russia's actions were perceived by the EU as fundamental violations of the post-1945 international order prohibiting territorial conquest through force, as stipulated in Article 2(4) of

the UN Charter (EC 2023). This represented not merely a bilateral dispute but an existential challenge to the rules-based international system upon which European integration itself depends. Second, the invasion created imminent threat perceptions among European states, particularly those geographically proximate to Russia, triggering "threat-based cohesion," in which external dangers override internal disagreements (Kiet et al. 2026). Third, the conflict validated long-standing Eastern European warnings about Russian revisionism that Western European powers had previously dismissed, creating political imperatives for decisive responses to maintain alliance credibility (Kapitonenko 2025).

The EU responded swiftly and decisively to Russia's actions, framing them as a severe violation of international law and Russia's "aggression" against a sovereign state. Since the conflict began, the EU has demonstrated strong solidarity in imposing comprehensive sanctions against Russia, though significant internal divisions persist beneath the surface of this unity. Countries such as Hungary under Prime Minister Viktor Orbán, Turkey under President Recep Tayyip Erdoğan, and Slovakia under Prime Minister Robert Fico have maintained closer ties with Moscow, reflecting genuine economic dependencies, particularly on Russian nuclear energy technology and gas transit revenues, and domestic political calculations rather than mere ideological affinity. As of February 2024, the EU had adopted 13 sanctions packages and was considering a 14th, illustrating the bloc's determination to pressure Russia (Al Jazeera 2024). European Commission President Ursula von der Leyen wrote on social media, "I welcome the agreement on our 13th sanctions package against Russia. We must continue to undermine Putin's war machine" (Al Jazeera 2024).

The EU has taken the most decisive steps in the energy sector, which historically formed the foundation of EU–Russia relations and even underpinned cooperation between Western European countries and the Soviet Union during the Cold War following the completion of the Urengoy–Pomary–Uzhgorod pipeline in 1983. Although only one pipeline with a capacity of 32 billion cubic meters per year was completed due to US obstruction (Kiet et al. 2023), the Urengoy–Pomary–Uzhgorod pipeline became an important "bridge" for long-term energy cooperation between the Soviet Union and Western Europe during the Cold War. The deliberate targeting of energy relationships demonstrates Europe's recognition that economic interdependence, once viewed as a stabilizing force promoting peaceful relations, had instead created vulnerabilities that Russia could weaponize for political leverage (Raik et al. 2024).

To demonstrate Europe's political determination to reduce dependence on Russian energy sources, the EU banned exports of oil refining technology to Russia and completely prohibited imports of crude oil, coal, and petroleum products transported by sea from Russia (EC 2023). Moreover, the EU, together with the G7, implemented a price cap on Russian petroleum products to limit Russia's revenue from oil exports to third countries (EC 2023). The EU also revoked Russia's most-favored-nation status under the World Trade Organization (WTO) framework and banned most trade, service, and investment activities with Moscow (Fact Sheets on the EU 2024).

However, the sanctions architecture faces significant constraints that complicate its strategic effectiveness. Russia's wartime economy adapted through import substitution, parallel imports via third countries such as Turkey and the United Arab Emirates, and expanded trade relationships with China, India, and other non-Western partners (Drăgoi 2024). The effectiveness of the oil price cap has been undermined by Russia's "shadow fleet" of tankers operating under

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flags of convenience and alternative payment mechanisms that bypass Western financial systems (Rodriguez-Diaz et al. 2025). This reveals a fundamental tension in economic statecraft: Western sanctions can inflict economic pain but struggle to prevent a determined major power from sustaining military operations when alternative markets and suppliers exist. Additionally, sanctions have imposed reciprocal costs on European economies, as energy price spikes following Russian gas supply disruptions contributed to inflation and economic slowdown, placing significant strain on European households and industries.

At the same time, the Russia–Ukraine conflict has pushed relations between Russia and Western countries to their lowest point since the Soviet Union's collapse in 1991. Under collective political unity, the EU has imposed 2,842 sanctions and accelerated the process of decoupling economic activity from Russia (Castellum 2025). Arbeloa (2023) observed that the EU withdrew most major corporations and enterprises from Russia in 2022 and planned to reduce energy imports from Russia from 50% in 2021 to 0% by 2027. On the US side, President Joe Biden actively mobilized NATO allies to confront Russia across political-diplomatic, economic-trade, and defense-security spheres. As of January 2025, the US had imposed 7,384 sanctions and implemented comprehensive diplomatic isolation against Russia, including sanctions against up to 21,629 individuals allegedly connected to the conflict (Castellum 2025). However, the effectiveness of this comprehensive pressure campaign remains contested. While Russia's economy has experienced significant stress, it has not collapsed as some Western policymakers anticipated. GDP contraction has been less severe than projected, unemployment remains relatively low, and military production has increased. This resilience stems from several factors: Russia's large domestic market and natural resource wealth provide buffers against external pressure; trade reorientation toward non-Western partners partially offsets the loss of European markets; and authoritarian political structures enable resource mobilization and the suppression of domestic opposition in ways that democratic societies cannot easily replicate (Drăgoi 2024).

Therefore, the Russia–Ukraine conflict has also led to a renewed confrontation between NATO and Russia, a dynamic that had essentially ended with the dissolution of the Soviet-led Warsaw Pact in 1991. NATO now considers Russia the most direct threat to European security and the target of comprehensive deterrence and containment strategies for the foreseeable future. NATO (2025) has declared that the conflict marks "the end of the post–Cold War period in Europe," representing a turning point in Western security policy. The conflict consolidated NATO unity through threat-based mechanisms that override previous internal divisions. Sweden's and Finland's accession to NATO, abandoning neutrality policies that lasted 200 and 70 years, respectively, demonstrates how perceptions of imminent threat fundamentally altered strategic calculations, even among traditionally nonaligned states.

Although the Russia–Ukraine conflict has strengthened cohesion among Western countries, it has simultaneously created momentum for Russia and China to deepen diplomatic and security cooperation to counter what they perceive as US unilateralism supported by Western allies. This has contributed to growing polarization in the international system, with two opposing poles gradually forming: Russia–China (along with important partners such as North Korea and Iran) confronting the United States and its Western allies.

In this context, the EU has made significant strategic adjustments to adapt to the new geopolitical environment. Rather than maintaining a balanced policy between Russia and China or pursuing relative "independence" from the United States as it did before the Russia–Ukraine

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conflict in 2022, the EU has shifted toward consolidating a "solid alliance" with the US and positioning NATO as the strategic military alliance responsible for defending European security against threats from Russia along the eastern flank (Kiet et al. 2025). However, this adjustment is implemented in a flexible, sophisticated, and balanced manner, ensuring that the EU does not become "overly dependent" on the US and maintains its strategic autonomy in regional and international affairs, particularly in economic and trade matters. Simultaneously, the EU is actively leveraging "soft power" through doctrines, policies, and initiatives in economic, trade, and cultural-social spheres to pursue strategies aligned with the bloc's interests (Raik et al. 2024). Specifically, at the 2022 EU Summit, the bloc proposed the "Dialogue among World Democracies" initiative to promote mutual understanding and awareness between East and West on democratic and human rights issues in the current context of globalization. These strategic moves reflect the EU's ambitions to build a multipolar international order in which Western countries remain central pillars of the liberal world order.

The emerging geopolitical structure reveals complexities beyond a simple bipolar confrontation. The security dilemma dynamic, in which measures taken to enhance one's security reduce others' security, triggering reciprocal responses in self-reinforcing cycles, is already evident: NATO's expansion to include Sweden and Finland prompted Russian military district reorganizations and threats of nuclear weapons deployment in Belarus (Harding 2025). However, this framework also reveals fundamental disagreements over causality. From Russia's perspective, NATO expansion represents not merely defensive measures but an offensive strategy aimed at encircling and containing Russian power, thus justifying preemptive actions to prevent further encroachment (Kiet et al. 2026). From the Western perspective, expansion responds to sovereign states' voluntary requests for protection against demonstrated Russian aggression, making it a consequence rather than a cause of Russian behavior (Kapitonenko 2025). This fundamental disagreement over whether NATO expansion provoked or responded to Russian revisionism perpetuates mutual mistrust and complicates diplomatic resolution.

MILITARY MODERNIZATION AND DEFENSE INDUSTRY BOOM: EUROPE'S STRATEGIC REARMAMENT

The Russia–Ukraine conflict has triggered the most significant military transformation in Europe since the end of the Cold War, fundamentally reshaping defense spending patterns, strategic doctrines, and industrial capabilities across the continent and globally.

European defense spending among NATO members surged by 30% to $454 billion in 2024 (SIPRI 2025), driven by three interconnected dynamics. First, Russian military aggression shattered post–Cold War assumptions about the obsolescence of major-power war. The full-scale invasion validated previously dismissed threat assessments, particularly in Eastern Europe, explaining Poland's dramatic 31% spending increase ($38 billion, 4.2% of GDP) and Germany's historic reversal, a 28% rise to $88.5 billion representing the Zeitenwende announced by Chancellor Scholz, which abandoned decades of military restraint rooted in post–World War II pacifist culture (TVP World 2025). Second, the conflict exposed European unpreparedness for high-intensity conventional warfare. Ammunition stockpiles proved insufficient for sustained operations, air defense systems were inadequate for mass missile attacks, and logistics infrastructure was unprepared for rapid reinforcement. These shortcomings created urgent

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pressure to modernize capabilities, reflected in the EU's investment in air defense architecture such as the European Sky Shield Initiative (ESSI), which aims to establish a multi-layered shield system (Patriot, IRIS-T, NASAMS), and the SAFE program (Security Actions for Europe), which funds joint procurement of missiles, drones, and artillery, boosting defense industrial production under the European Rearmament/Readiness 2030 program (SIPRI 2025). The conflict thus functioned as a comprehensive stress test, revealing systemic weaknesses that decades of peace had allowed to develop. Third, America's strategic pivot toward competition with China in the Indo-Pacific has put pressure on European allies to share the burden. While President Biden reinvigorated transatlantic commitment, the US prioritization of China means European security increasingly depends on European capabilities, accelerating EU initiatives toward strategic autonomy through Permanent Structured Cooperation (PESCO) and the European Defence Fund (EDF).

The defense industry boom, Western defense revenues rising 11% to $212 billion in early 2023 and projected to reach $554 billion by 2026 (SIPRI 2024), reflects both cyclical demand surges and structural transformations. Cyclically, weapons transfers to Ukraine and European rearmament created immediate backlogs in orders for major contractors such as Lockheed Martin, Rheinmetall, and BAE Systems. However, structural factors suggest this trend transcends temporary spikes. First, the conflict demonstrated the battlefield effectiveness of specific systems, Turkish Bayraktar drones, US Javelin missiles, and HIMARS, creating demonstration effects that drive global procurement (Beccaro and Cristadoro 2025). Countries observing Ukraine's successful defense seek similar capabilities, expanding demand beyond Europe. This helps explain Japan's increase in defense spending to 8.9 trillion yen, with a commitment to reach 2% of GDP by 2027, reflecting regional concerns about Russia–China military cooperation near Japanese waters (Nippon 2024).

Second, defense production faces significant capacity constraints that complicate rapid expansion. Artillery ammunition production requires specialized facilities, skilled labor, and strict quality control that cannot scale quickly. Manufacturers struggle to meet Ukraine's consumption rates while rebuilding depleted stockpiles and fulfilling new orders, creating bottlenecks in which demand vastly exceeds supply, driving prices upward, and incentivizing long-term capacity expansion (Beccaro and Cristadoro 2025). Third, technological competition accelerates investment in next-generation capabilities, artificial intelligence, autonomous systems, hypersonic weapons, and cyber warfare, where first-mover advantages create strategic dynamics (Beccaro and Cristadoro 2025). The conflict serves as a proving ground for these technologies, shaping global procurement patterns.

European rearmament also reveals tensions between NATO's collective framework and national strategic autonomy pursuits, manifesting in three areas. First, Eastern European nations prioritize immediate conventional deterrence, procuring tanks, artillery, and air defense systems primarily from US manufacturers to ensure interoperability and logistics access. Second, France and Germany, while contributing to collective defense, simultaneously invest in indigenous European industry, such as France's SCAF fighter program with Germany and Spain, to reduce long-term dependency on the United States and preserve European technological capacity (Martin 2025). Third, capability priorities vary by region: Baltic states and Poland concentrate on territorial defense against Russian threats from the east; Nordic countries emphasize Arctic capabilities and Baltic Sea control; Southern European nations face different threats, migration

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from North Africa, Sahel instability, and Eastern Mediterranean competition, leading to priorities such as naval assets and expeditionary forces.

Burden-sharing debates persist despite spending increases. Although many NATO members now meet the 2% GDP threshold, defense spending effectiveness varies dramatically (SIPRI 2025). Personnel costs consume disproportionate budgets in some countries without generating operational capabilities, while others achieve greater returns through efficient procurement and force optimization. Germany's difficulty in converting increased spending into combat-ready forces, where only a small portion of the Bundeswehr meets full readiness standards, illustrates that spending levels alone do not guarantee capability improvements.

While rearmament may strengthen deterrence, several counterarguments warrant consideration. First, the offensive–defensive distinction in military systems remains ambiguous. Systems procured for "defensive deterrence," such as long-range strike missiles and forward-deployed forces, can appear offensive to an adversary, potentially triggering preemptive actions during crises. This suggests that capability buildups, while individually rational, may collectively increase systemic instability.

Second, Europe's $693 billion in military spending (SIPRI 2025) diverts resources from alternative security investments. Climate adaptation, pandemic preparedness, cyber resilience, and economic competitiveness may yield greater long-term security benefits than conventional military capabilities. This raises questions about the optimal composition of security investment portfolios in an era characterized by diverse, interconnected threats.

Third, the defense industry boom creates vested interests in sustaining high military spending. Military–industrial complex dynamics, where contractors, military bureaucracies, and political constituencies align to perpetuate procurement programs regardless of strategic necessity, can drive spending beyond objective security requirements.

MULTIDIMENSIONAL SECURITY CHALLENGES: NON-TRADITIONAL THREATS IN POST-2022 EUROPE

Terror Networks and Migration Waves: The Twin Security Dilemma

The geopolitical instability generated by the Russia–Ukraine conflict has created conducive conditions for terrorist organizations to intensify activities across Europe. Contemporary threats include jihadist terrorism, extreme right-wing terrorism, left-wing anarchism, and nationalist separatism. Hungarian Foreign Minister Péter Szijjártó warned that "extremist groups could exploit the situation to carry out new attacks in Europe" (Spaaij et al. 2024). The proliferation of extremist ideologies, fueled by the Russia–Ukraine conflict, the Israel–Hamas war, and broader instability in the Middle East and North Africa, has incited violence and exacerbated migration pressures.

Europol reports (2024) document alarming trends since 2022. Between 2020 and 2023, terrorist activity escalated, with 2023 alone recording 120 attacks (98 completed, 9 failed, and 13 prevented) across seven EU Member States. In the first half of 2024, Europol conducted 30 arrest operations targeting extremist Islamic groups, the highest number ever recorded. French President Emmanuel Macron asserted that "the level of terrorist threat that Europe currently faces is unprecedented in history" (Europol 2024). Europe now confronts sophisticated terrorist

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networks that exploit communication channels for propaganda and recruitment, increasingly targeting native European citizens. These groups employ diverse tactics, such as truck rammings, bombings, and shootings, targeting public events and crowded spaces to maximize casualties and spread psychological terror, creating significant challenges for European counter-terrorism forces.

Furthermore, the migration crisis in Europe has increased in complexity since the outbreak of the Russia–Ukraine conflict, creating a massive wave of migrants from Ukraine to EU Member States, particularly those geographically adjacent to Ukraine. According to the United Nations High Commissioner for Refugees (UNHCR), by early 2025, the number of Ukrainian refugees who left their homeland had reached 6.8 million. Moreover, the Director of the Scowcroft Strategy Initiative at the Atlantic Council, Michta (2024), estimated that "Ukrainians actually fleeing the war could be close to 10 million people, as it is now believed that only about 27–30 million people remain in Ukraine." However, the EU must not only cope with migration flows from Ukraine but also address a more complex, multidimensional migration landscape as geopolitical instability spreads globally, particularly in Africa and the Middle East.

In 2023 alone, Europe received approximately 4.5 million immigrants, including 3.5 million legal migrants and 1 million irregular migrants (Michta 2024). The irregular migrant population primarily originates from Africa and the Middle East, with Syria leading the list, followed by West African countries and Afghanistan. The current situation bears concerning similarities to the 2015 migration crisis, when the Syrian civil war escalated sharply and geopolitical instability spread across the Middle East and North Africa, particularly in Iraq and Libya. The current crisis may be even more severe, as some groups have used violence against border control forces (Europol 2024).

Eastern European leaders have expressed concerns about the security risks associated with the influx of Ukrainian refugees, emphasizing "the urgent need for closer coordination among countries to ensure border security, minimize regional risks, while strengthening cooperation and implementing economic recovery measures as the Russia–Ukraine conflict continues" (Europol 2024). During Hungary's second term as EU Council President (July 1, 2024–December 31, 2024), Prime Minister Viktor Orbán acknowledged the seriousness of migration issues in Europe, stating, "The migration crisis has reached levels not seen since 2015. Security threats threaten to paralyze and divide the Schengen area" (Cabinet Office of the Prime Minister 2024). Poland is the EU member state hosting the largest number of Ukrainian refugees, with approximately 1 million people as of early 2025 (UNHCR 2025).

Declining birth rates across Europe, combined with population growth driven by immigration and tensions related to cultural integration and religious differences, have made developing a viable immigration policy a strategic priority for the EU. To address the escalating migration crisis, the EU adopted a new Migration and Asylum Pact in May 2024, which clearly defines mechanisms for handling irregular entry into the bloc. Core provisions include screening asylum seekers at entry points and deporting them immediately upon rejection of their asylum applications (EC 2024a). During Hungary's second term as EU Council President, Prime Minister Viktor Orbán called for strengthened protection of external border routes, arguing that when irregular migrant groups use violence against border forces, "the EU's external borders must be protected, and the defense work of frontline countries protecting all of Europe, their work must

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be recognized and their defense work must be supported" (Cabinet Office of the Prime Minister 2024).

However, challenges regarding border control and asylum law, though complex, do not compare with deeper tensions related to population aging in Europe and the cultural integration and assimilation of non-European immigrants, particularly those from Islamic countries. Therefore, the migration crisis has the potential to continue to polarize European policymakers and an increasingly dissatisfied public, particularly in the most affected countries in Southern and Western Europe. Terrorist attacks in Europe carried out by extremist Islamic elements, particularly in Madrid and London, along with cases of radicalization among European Muslims, have contributed to growing suspicion and anger among the public. These cultural tensions are deeply felt, with politicians opposing large-scale immigration arguing that Europe is facing migration flows, particularly from Africa and the Middle East, that are changing the ethnic and cultural structure of the continent from a civilization rooted in Judeo-Christian traditions for over two millennia into a multicultural and multi-religious space (Michta 2024).

Energy Independence Revolution: From Russian Dependence to the Green Transition

In the context of increasingly complex global geopolitics and economics, energy security has become one of the European Union's most significant challenges. Severe dependence on external energy sources, particularly from Russia, combined with recent fluctuations in international relations, has placed the EU before numerous challenges in ensuring energy security while maintaining sustainable economic development (Kiet et al. 2023). According to Eurostat (2024a), the EU produces only about 37% of its energy needs and must import approximately 63%. The EU's energy structure mainly comprises five primary sources: crude oil and petroleum products (37%), natural gas (21%), renewable energy (18%), solid fossil fuels (13%), and nuclear energy (11%) (Eurostat 2024a). This demonstrates the EU's significant dependence on traditional energy sources, particularly oil and natural gas, with Russia historically providing the cheapest supply for the entire European region.

Global development trends forecast that energy demand will increase by 27% by 2030, with the EU expected to import half of its energy consumption at a cost exceeding 1 billion euros per day (IEA 2023). This reflects a concerning reality that the EU recognized early on. The European Commission's first Green Paper, issued in the early 2000s, already warned of severe future energy shortages as industrialization and modernization intensified. Accordingly, the EU could be forced to import up to 70% of its natural gas, 90% of its oil, and 100% of its coal within the next two to three decades (Kiet et al. 2023). This dependence is particularly evident in the energy relationship between the EU and Russia. In 2021, the EU imported approximately 155 billion cubic meters of gas from Russia, accounting for about 40% of the union's total gas imports (Sadowska 2022). This made Russia the EU's largest gas supplier, creating severe energy dependence and constraints. Even as the conflict continues, many EU members, including Germany, France, Belgium, and the Netherlands, still rely on Russian energy imports via intermediaries.

However, the Russia–Ukraine conflict completely changed the EU's energy security landscape. Combined with the impact of the COVID-19 pandemic, climate change, and EU-imposed sanctions on Russia, the situation led to a severe energy crisis. Energy prices,

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particularly for electricity and gas, skyrocketed not only within the EU but also globally. The conflict caused severe disruptions in global energy supply chains, pushing crude oil and gas prices to record levels in Europe (Sadowska 2022). The direct consequence was a serious threat to EU economic growth, which was still recovering from the COVID-19 pandemic. This situation put intense pressure on the EU and its Member States to quickly adjust their energy policies.

In response, the EU set forth a series of objectives and strategies in the REPowerEU plan in May 2022 to ensure energy security, promote renewable energy development, increase energy efficiency, and advance environmental protection and climate change mitigation. This strategy includes diversifying energy supply sources and redirecting focus toward renewable energy development. The EU set the ambitious goal of reducing dependence on Russian fossil fuels and moving toward ending their use by 2027. To achieve this, the EU has invested heavily in wind and solar energy farms, expanded renewable gas production, and strengthened the European electricity grid to integrate more renewable energy. The European Commission estimates that by 2030, the bloc will need additional investments of 113 billion euros (123 billion USD) in renewable energy and hydrogen infrastructure to end its dependence on Russian fuels (IEA 2023). Additionally, the EU is actively integrating objectives across energy and environmental policies.

This principle serves as the foundation and guiding framework for all EU energy and environmental policy programs. The EU not only employs mechanisms, policies, and legal frameworks at the regional level but also actively cooperates with third countries and international organizations to advance global agreements and conventions on environment and energy (Sadowska 2022). In multilateral environmental negotiations, EU Member States participate as a unified bloc, demonstrating the union's solidarity and determination in addressing global challenges. This approach not only strengthens the EU's international position but also enhances the effectiveness of implementing environmental and energy objectives.

The REPowerEU plan has delivered positive results after more than two years of implementation, marking a historic turning point in the global energy landscape and demonstrating Europe's capacity for rapid, effective transformation. The EU has achieved a significant energy transition, reducing gas imports from Russia from 45% in 2021 (before the Russia–Ukraine conflict) to only 15% in 2024, an outstanding political and economic achievement, given decades of dependence on Russia's relatively inexpensive energy (ESG News 2024). The most impressive development is the shift in Europe's energy structure: for the first time in history, Europe produced more electricity from renewable sources than from gas. With new solar capacity reaching 96 GW and wind capacity reaching 33 GW, the EU has not only strengthened energy security but also reaffirmed its leadership in the global green transition (ESG News 2024). Thus, the EU has achieved initial success with the REPowerEU plan, reducing geopolitical risk and opening a new era of sustainable energy independence.

However, despite commitments to end all energy agreements with Russia by 2027, some European countries still cannot completely sever energy cooperation with Moscow. The EU imported a record 16.5 million tons of liquefied natural gas (LNG) from Russia in 2024, exceeding the 15.2 million tons imported in 2023 (Financial Times 2024). Slovakia, France, Hungary, Austria, and Spain were among the largest importers of Russian energy. This dependence extends beyond gas to the nuclear sector, where Russia controls 44% of global uranium enrichment capacity and supplies nearly 20% of Europe's raw uranium (Hockenos

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2025). Countries such as Bulgaria, the Czech Republic, Slovakia, and Hungary remain entirely dependent on Russian nuclear fuel and technology. Additionally, Russia's "shadow fleet" of foreign-flagged oil tankers continues to transport Russian petroleum products into the EU market via third countries such as India and China, creating "loopholes in the sanctions regime" and complicating the EU's efforts to entirely sever its energy ties with Russia (Rodriguez-Diaz et al. 2025).

Global Food Crisis to European Recovery: Transforming Agricultural Security

The Russia–Ukraine conflict has had severe consequences for food security in Europe and globally. Russia and Ukraine play pivotal roles in the global food supply chain, accounting for a substantial share of key agricultural commodities. Together, these two countries produce approximately 30% of global wheat, 32% of barley, 17% of corn, and 75% of sunflower oil (Hassen et al. 2022). Supply disruptions from this region have placed enormous pressure on international food markets, driving prices upward and threatening the food security of many countries, particularly those that rely heavily on imports. The Food and Agriculture Organization (FAO) recorded the largest increase in its food price index in 2022, surpassing the previous record set in 2008 (FAO 2022). This reflects both supply scarcity and broader concerns about global food security. The FAO further warned that if the conflict continues to reduce food exports, the number of malnourished people worldwide could increase by 8–13 million (FAO 2022). These impacts were evident in 2022, when Africa suffered most due to its reliance on imports from Russia and Ukraine, which accounted for over 50% of grain imports in many African countries (Mottaleb et al. 2022). Many nations in the region already face persistent instability and poverty, and disruptions to food supply chains have further increased import costs and deepened humanitarian vulnerability.

Western economic sanctions against Russia have also worsened the situation by disrupting Russia's export capacity, thereby affecting global food supplies. The US Department of Agriculture estimated that wheat exports from Russia and Ukraine could decline by 7 million tons, a 12% reduction compared to the previous season (Hassen et al. 2022). This decline creates a significant gap in global food supply, posing serious challenges for the international community in ensuring food security. The conflict's impact has also been felt strongly in Europe. Wheat, corn, and other grains from Russia and Ukraine are essential inputs for many of the region's widely consumed products. French President Emmanuel Macron emphasized the severity of the situation, stating that "Europe and Africa will lose deep food stability" and that Europe will need to reassess production strategies to protect food and nutrition sovereignty. At the same time, many African countries may face famine within 12–18 months due to the conflict (Ha 2022). In addition to the risk of shortages, European countries have faced rising inflationary pressure. Global food prices reached record highs in March 2022, with vegetable oil prices rising by 58% and overall food prices increasing by 34% compared to March 2021 (EC 2024b). European countries experienced grain price shocks of approximately 20% immediately after the conflict began (EC 2024b).

Facing severe food security challenges, the European Commission (EC) implemented a series of emergency response measures. The EC allocated €450 million from the "Crisis Reserve Fund" to support European farmers in managing price volatility. Since the onset of the Russia–

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Ukraine conflict, wheat prices in Europe have increased by 50%, reaching nearly €400 per ton, while corn prices have risen by approximately 30%, to around €350 per ton (Mottaleb et al. 2022). Additionally, the EC proposed establishing notable transportation routes, known as "solidarity lanes," to use EU infrastructure to help Ukraine export 20 million tons of grain (Mottaleb et al. 2022). This initiative not only supports Ukraine's agricultural exports but also helps stabilize global food supplies.

At the international level, coordinated efforts have been made to address the food security crisis. The EU, the World Trade Organization (WTO), and more than 20 countries, including the United States, issued a joint statement emphasizing that response measures should "cause the least possible disruption" and comply with WTO regulations to "create conditions for the most effective possible market operation and food flows" (World Bank 2025). The statement specifically urged countries not to impose bans or restrictions on food exports purchased by the UN World Food Programme for humanitarian purposes. This reflects the international community's commitment to protecting humanitarian relief efforts and ensuring food supplies for the most vulnerable populations. The statement also highlighted the need for adequate funding, underscoring that the international community recognizes that substantial investment and financial support, especially for developing and vulnerable countries, are essential to address the food security crisis effectively.

The year 2024 marked an important transitional period for food security in Europe, as the region showed signs of recovery due to strategic policy adjustments and improvements in global supply chains. Globally, in 2024, nearly 300 million people experienced high levels of acute food insecurity (EC 2024b). However, Europe showed a positive trend: the Europe and Central Asia region recorded a 4.1% decrease in the number of people facing moderate or severe food insecurity in 2024 (EC 2024b). Eurostat (2024b) reported that global food prices fell to their lowest levels in three years, and average food inflation in Europe dropped to 2.5%, compared with 9.2% in 2022. This improvement was driven by three main factors: (a) reduced inflation, (b) increased incomes, and (c) strengthened supply chains. Consequently, European countries have made progress in rebuilding food security systems, reducing dependence on Ukraine and Russia, and strengthening cooperation with other trading partners.

CONCLUSION

The Russia–Ukraine conflict has fundamentally transformed European security architecture across multiple interconnected dimensions, marking a decisive rupture with the post–Cold War order established in the early 1990s. This analysis demonstrates how the conflict catalyzed profound restructuring across five critical domains during the Biden administration, each reinforcing and amplifying the others, shaping European geopolitics for decades.

Diplomatically, the conflict shattered the illusion of stable cooperation between Russia and the West, pushing relations to their lowest point since the end of the Cold War. The EU's unprecedented sanctions packages and Russia's strategic pivot toward China and other non–Western partners signal an emerging bipolar international system in which neutral space is increasingly constrained. Militarily, Europe experienced its most significant rearmament in generations, with NATO members substantially increasing defense spending and abandoning long-held pacifist traditions, as evidenced by Sweden's and Finland's historic NATO accession.

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This represents not merely quantitative increases but a qualitative transformation in strategic thinking, from post–Cold War peace dividends toward comprehensive defense readiness.

Non-traditional security challenges proved equally transformative. The dual migration crisis, mass Ukrainian refugee flows combined with continued arrivals from Africa and the Middle East, exposed deep tensions between humanitarian obligations and cultural integration capacity, fueling political polarization across the continent. Simultaneously, terrorism threats intensified, as extremist groups exploited geopolitical instability to expand operations. Nevertheless, the conflict also revealed European resilience: the REPowerEU plan achieved notable success in substantially reducing Russian gas dependence while accelerating the renewable energy transition, and coordinated international responses helped stabilize global food markets despite initial severe disruptions.

These findings underscore three critical implications for future scholarship and policy. First, European security has entered an era of strategic autonomy in which dependence on external powers, whether Russian energy or American military protection, is increasingly seen as vulnerability rather than interdependence. Second, the conflict demonstrates that non-traditional security challenges, energy, food, and migration, have become as strategically significant as conventional military threats, requiring integrated policy responses that transcend traditional domain boundaries. Third, the emerging geopolitical landscape suggests that multilateral cooperation and diplomatic engagement remain essential to prevent escalation into a broader confrontation that would weaken both Russia and Europe while empowering other global powers. The path forward requires balancing deterrence with dialogue, defense preparedness with diplomatic flexibility, and strategic autonomy with alliance solidarity, complex combinations that will define European security for the foreseeable future.

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Balancing Necessity, Legitimacy, and Liberty: A Normative Evaluative Framework for Public Health Emergency Powers

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Abstract
Emergencies disrupt ordinary life and compel governments to act swiftly, often by setting aside rules that typically guide public decision-making. In public health crises, this creates a fundamental tension between the need for strong executive powers and the law's role in limiting authority and protecting individuals from abuse. Climate change, widening inequalities, zoonotic spillovers, and increased global mobility indicate that emergency powers will be invoked more frequently. While such exceptional measures may be necessary to protect the public, they often restrict individual liberties and raise concerns regarding accountability, transparency, and proportionality. Drawing on the theories of Carl Schmitt, Jürgen Habermas, and Lon Fuller, the authors propose an analytical framework grounded in jurisprudence and global public health governance standards to assess the legitimacy of public health emergency laws across jurisdictions.

Keywords
Public Health Emergencies; Emergency Powers; Legitimacy; State of Exception; Individual Liberties; Accountability; Jurisprudence

INTRODUCTION

Public health emergencies challenge legal systems with a recurring dilemma: how far may state authority depart from ordinary legality in the name of necessity without undermining the rule of law itself? Such emergencies may arise from infectious disease outbreaks, biohazards, natural disasters, or environmental crises. They present profoundly challenging situations for both the state and the rule of law. This is because they often involve suspending ordinary legal norms and stretching the limits of lawful power in the name of necessity.

While such crises are frequently treated as exceptional moments, contemporary systems of governance and community life reveal them to be recurring and structurally embedded phenomena. The World Health Organization (WHO) defines public health emergencies as occurrences or imminent threats of illness or public health conditions that pose a substantial risk of widespread fatalities or long-term disabilities (Voss et al. 2022, 4–10). Globally, societies have confronted many such exigencies in both the distant and recent past. These situations require rapid decision-making by the state or sovereign, including the adoption of swift actions and urgent measures through laws, rules, directives, and other legal instruments (Won 2025, 115).

In such contexts, law functions both as an instrument that enables state action and as a mechanism intended to limit excesses of power. Striking a balance between collective welfare and restrictions on individual rights is therefore neither straightforward nor purely technical (Lichtveld et al. 2002, 184).

Public health emergencies thus expose deep tensions between law, liberty, and power. These tensions have long shaped jurisprudential debates. While much of the scholarship on public health law focuses on administrative preparedness, epidemic management, and epidemiology, the deeper jurisprudential question of legitimacy remains underexplored. Most legal discussions examine the actions and measures governments adopt during crises, but comparatively little attention is paid to their legal and moral evaluation. There is therefore a need for a framework capable of testing and guiding the use of emergency powers. Without such limits, emergency powers risk becoming routine tools of governance rather than rare exceptions. Emergencies are no longer unusual events; consequently, democratic societies must carefully consider how to regulate emergency laws so that temporary measures do not quietly become permanent ones.

This study reconsiders emergency laws by situating them within foundational debates in legal philosophy. Carl Schmitt argued that the actual test of sovereignty emerges in moments of crisis, when a decisive authority determines that standard legal rules no longer apply. Jürgen Habermas advanced a contrasting perspective, insisting that even necessary emergency actions must be justified through public reasoning and democratic deliberation. Lon Fuller went further, maintaining that law cannot abandon its internal morality even in emergencies; it must remain transparent, stable, and fair. Taken together, these perspectives do not yield easy answers, but they help frame more incisive questions about emergency laws, specifically, whether they genuinely serve justice or instead normalize exceptional power.

Building on this jurisprudential analysis, the paper engages with global legal frameworks such as the International Health Regulations (2005) (IHR), the Global Health Security Agenda (GHSA), the Siracusa Principles, and the Sustainable Development Goals (SDGs), as well as the scholarly contributions of public health law advocates such as Lawrence Gostin and Katharina Ó Cathaoir. Drawing on these sources, the paper proposes a normative evaluative framework that identifies the parameters under which rights-restricting state measures may be justified or assessed for legitimacy. In doing so, it offers a theoretically grounded and original conceptual approach to evaluating emergency laws.

This research aims to analyze the jurisprudential foundations of rights-restricting laws by integrating global best practices in order to identify the characteristics of legally and morally justified emergency measures. By bridging theory and practice, this study seeks to contribute to the development of a philosophically coherent model of public health emergency governance grounded in a robust, trustworthy legal framework.

METHODOLOGY

This study adopts a doctrinal and theoretical–analytical approach, grounded in the qualitative analysis of legal instruments, policy documents, and jurisprudential theories. The doctrinal component involves a close reading and systematic analysis of international legal instruments, governance frameworks, and the writings of legal scholars. The theoretical component examines key jurisprudential theories, particularly those advanced by Carl Schmitt, Jürgen Habermas, and Lon Fuller. Together, these approaches enable the authors to examine how legitimacy, authority, and legality are conceptualized and contested in the context of emergencies.

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Normative principles recurring across legal instruments, jurisprudential theories, and scholarly literature are identified, analyzed, and distilled into an evaluative framework. This framework is presented as a table listing 9 parameters for assessing emergency laws in a clear, practical manner. The development of these parameters followed a three-stage analytical process. First, primary and secondary sources were reviewed to identify recurring normative ideas, such as necessity, transparency, proportionality, accountability, legality, and restraint. Second, these recurring ideas were grouped into thematic categories reflecting shared concerns across the sources. Third, an iterative comparison of jurisprudential theories and global governance instruments was conducted, yielding the consolidation of overlapping themes into nine distinct evaluative parameters. To ensure theoretical and practical grounding, these parameters were reviewed against the source material. For clarity and usability, they were subsequently organized into a table that includes guiding questions for each parameter.

Criteria of relevance, influence, and normative focus guided the selection of sources. Key international instruments and policy documents, including the International Health Regulations (2005), the Global Health Security Agenda, Sustainable Development Goal 3, and the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights (ICCPR), were chosen because they represent widely accepted global standards for public health governance. Jurists such as Schmitt, Habermas, and Fuller were selected for their foundational and contrasting perspectives on authority and legality during crises. Scholars, including Lawrence Gostin and Katharina Ó Cathaoir, were included for their direct engagement with public health governance and rights-based frameworks. Collectively, these sources provide a balanced and robust foundation for the analysis and for the construction of the evaluative framework.

RESULTS AND DISCUSSION

Jurisprudential Perspectives on the Legitimacy of Emergency Laws

In ordinary situations, law mainly functions as a set of accepted rules and procedures that guide governance. In times of crisis, however, the law becomes more complex; it transforms into a space of tension between state power and legal restraint. Examining this tension through jurisprudential thought helps reveal the moral and philosophical ideas that shape how emergency laws are created and used. Drawing on the theories of Carl Schmitt, Jürgen Habermas, and Lon Fuller, this section focuses on why emergency powers are exercised rather than just how they operate. These ideas provide a framework for evaluating whether extraordinary, rights-restricting laws are legally and morally credible.

Carl Schmitt's theory of the "state of exception," developed in his 1921 essay "On Dictatorship" against the background of the unstable Weimar Republic, places necessity at the center of emergency governance (Head 2017, 16). He famously argued that "sovereign is he who decides on the exception." This emphasizes that the defining feature of sovereignty is the authority to suspend legal norms when extraordinary circumstances arise (Vinx 2025). It implies that true sovereignty lies in determining when standard law no longer applies. This places the sovereign both within the legal order and, in moments of crisis, beyond it. In this context,

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emergency power is based more on decision and action than on legal procedure (McConkey 2013, 566).

However, Schmitt's account reveals the inherent danger of emergency governance: when necessity becomes the source of authority, almost any action risks being justified in the name of urgency. During the COVID-19 pandemic, many states relied on this logic to impose lockdowns, surveillance, and controls under the guise of emergency (MagShamhráin 2022, 95). While many of these measures may have been necessary, Schmitt's theory warns that without apparent limitations, the state of exception can gradually become the norm. This underscores the need for a clear threshold of necessity in evaluating emergency provisions.

This paper uses the concept of the state of exception in a limited and analytical sense to explain the risks when necessity is the sole basis of authority. The authors do not equate public health emergencies with Schmitt's radical state of exception; instead, they treat them as situations in which extraordinary powers are exercised within a framework of rights and accountability. While this concept demonstrates the risks of unchecked power, the paper's normative focus remains grounded in a legally constrained, rights-sensitive governance framework.

Jürgen Habermas offers a very different perspective, rejecting the idea that authority should rest solely on decisive power. He reorients emergency authority toward democratic legitimacy. Rejecting sovereignty as mere decisional power, he argues that the legitimacy of law lies in public justification and communicative rationality. For Habermas, legitimacy arises from public reasoning, participation, and justification. Law is valid not simply because it is necessary and enforced, but because it can be explained, justified, and defended to those who are expected to obey it. His theory is grounded in legitimacy and legality (Finalyson 2023).

In "The Theory of Communicative Action" (1981) and through his "Discourse Theory of Law and Democracy," Habermas argues that even in times of crisis, legal authority must remain anchored in transparent reasoning and inclusivity. States and governments must provide reasons, invite public opinion, and consider objections or alternative views wherever possible. They must act in ways that citizens can understand and question. He proposes that law acts as a bridge between facts, such as the realities of power and administration, and norms, which are ideals of justice and morality (Howard 1997, 143).

Applied to public health emergencies, this perspective establishes public justification and accountability as essential criteria for legitimacy. Emergency measures, even when necessary, must be capable of justification, defense, and contestation (Schaffer 2015, 98). In this framework, a public health emergency law must not only secure compliance but also withstand public scrutiny and reasoning (Rubins 2022, 55). Habermas does not deny the need for emergency action; instead, he insists that such actions remain answerable to the public, transforming sovereign commands into accountable authority.

His grounding of legitimacy in public reasoning is not clearly compatible with Schmitt's view, which grounds authority in necessity during times of emergency (Sharma 2024, 165). Urgent decision-making often leaves little room for deliberation. The framework proposed in this study does not seek to resolve this tension but aims to manage it by requiring justification and review even when immediate decisions are unavoidable (Brunila 2024, 34).

Lon L. Fuller adds another layer by focusing on the "inner morality of law," further expanding the evaluative criteria for the legality of emergency provisions. He argues that law

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must follow certain formal qualities to deserve respect. His eight key principles of legality, generality, promulgation, prospectivity, clarity, non-contradiction, possibility of compliance, constancy, and congruence between official rules and action, highlight that legality is not suspended during crises but tested most severely in such times (Tucker 1965, 273). Fuller's contribution thus grounds transparency, clarity, and proportionality as non-negotiable parameters for legitimate emergency lawmaking and application. Fuller does not advocate abandoning legality during emergencies; instead, he argues that the accurate measure of a lawful order lies in its ability to preserve moral qualities. A good law must be clear, stable enough to guide behavior, and applied honestly (Gunther 2022, 142).

The authors discuss two distinct but related dimensions of legitimacy: legal legitimacy, which concerns whether emergency provisions follow proper procedures, and socio-political legitimacy, which concerns whether the public accepts emergency measures as justified and trustworthy. The first dimension relates more closely to Fuller's principles of legality, while the second resonates with Habermas's emphasis on public justification. This evaluative study, therefore, treats legitimacy as a combination of both dimensions, requiring not only procedural correctness but also public trust and accountability.

Together, Schmitt, Habermas, and Fuller demonstrate three essential aspects of emergency law: necessity, legitimacy, and legality. Schmitt explains why states may act decisively in crises; Habermas explains why those actions must be justified; and Fuller explains how they must be structured. These jurisprudential perspectives do more than explain emergency power; they also justify the normative parameters used in this study's evaluative framework. These theoretical insights should inform real-world legal and institutional design.

LEGAL FRAMEWORKS FOR PUBLIC HEALTH AND EMERGENCY RESPONSE

Global public health governance has evolved through a range of legal and normative instruments developed by international institutions and shaped by academic discourse. These instruments serve not merely as policy manuals, guidelines, or administrative checklists; they also reflect the substantive goals and standards that influence how states design their legal systems to respond to health emergencies. These instruments define not only what governments must achieve, but also how they should govern and act while doing so.

This section examines how specific international legal instruments clarify the legality of state emergency actions. A discussion of this topic demonstrates how international frameworks increasingly link the effectiveness of laws to accountability, fairness, and restraint, while maintaining a balance with state authority.

Sustainable Development Goals (SDGs)

Health occupies a central place within the Sustainable Development Goals, particularly SDG 3, which seeks to promote well-being and ensure healthy lives for all (United Nations General Assembly 2015). SDG 3 contains thirteen targets that together reflect a broad vision of public health, covering prevention, access, treatment, and system capacity. Target 3.d is vital for emergency governance because it focuses on early warning, risk reduction, and state capacity to

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manage health emergencies. It also links preparedness with ending major epidemics, expanding health coverage, and supporting research in poorer regions (Takian 2022, 215).

Within the SDG framework, law is not viewed only as a tool used during crises. It also shapes long-term systems by defining responsibilities, building institutions, and protecting access to healthcare (Zeegers 2020, i32). In this way, the SDGs help us assess whether a legal system is structurally prepared for emergencies and whether its actions are legitimate.

Global Health Security Agenda (GHSA)

The Global Health Security Agenda (GHSA) focuses on preventing and controlling infectious diseases (Global Health Security Agenda n.d.). One of its main components is the Legal Preparedness Action Package, which treats strong laws as a fundamental condition for effective emergency response. Rather than promoting policy cooperation alone, it asks countries to closely examine their own legal systems, who holds authority, how powers are defined, and whether rules can be enforced. It encourages governments to review outdated laws and align them with international health standards (Ginsbach 2024).

Through this approach, the GHSA demonstrates that preparedness is not only about resources or planning, but also about having legal institutions that can function clearly and reliably during a crisis.

The Siracusa Principles on ICCPR Limitations and Derogations

The Siracusa Principles provide one of the clearest normative standards for assessing when and how rights may be restricted or limited during emergencies. These principles directly address the tension between state power and individual liberty. They establish strict conditions under which restrictions may be justified. Such restrictions must serve a legitimate purpose, be legally established, be strictly necessary, be proportionate, and be temporary. They must also be subject to checks and safeguards to prevent misuse (American Association for the International Commission of Jurists 1985). In this sense, the Siracusa Principles function as a rights-based threshold test for emergency governance.

According to the Siracusa Principles, any legal measures introduced during emergencies that restrict personal liberties should: (a) respond only to an urgent public or social need; (b) pursue a clearly defined legitimate aim or purpose; (c) be proportional to that purpose; and (d) be restricted to what is necessarily required to achieve the goal (Fidler 2006, 88; United Nations 2015).

Principles of Necessity and Proportionality: A Human Rights Approach

Katharina Ó Cathaoir's work (2021, 46) "Human Rights in Times of Pandemics: Necessity and Proportionality" builds upon the Siracusa Principles by embedding the balancing of individual rights with public health measures during pandemics. She examines how states balance individual rights with emergency provisions. Ó Cathaoir emphasizes that any restriction of rights during emergencies must satisfy two core principles: it must be necessary to address an

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urgent public health issue, and it must be proportionate, meaning it does not exceed what is necessary to achieve the purpose.

Ó Cathaoir identifies three ethical principles to guide public health action in emergencies: solidarity, proportionality, and transparency. Solidarity refers to shared responsibility and the need to provide special protection to vulnerable groups. Proportionality requires that restrictions be limited to what is genuinely needed and remain reasonably balanced—transparency demands open communication and clear accountability to sustain public trust (Sirohi 2020). Together, Ó Cathaoir's principles show that emergency measures must go beyond necessity and also promote trust, accountability, and inclusion.

Proportionality is not a simple test; it must be reassessed over time, since governments often act with incomplete information and under political pressure. What seems necessary and proportionate at one moment may appear excessive later.

Lawrence Gostin's Principle of Duty, Power, and Restraint

Lawrence Gostin's framework provides a clear structural lens for assessing whether public health laws are effective and legitimate. He identifies three foundational principles that should shape any public health legal system: duty, power, and restraint.

Duty assigns clear responsibilities to public health authorities, requiring them to actively protect and promote the health of the population and reduce health inequalities. It imposes a positive obligation on states to act by clearly defining their responsibilities.

Power grants the legal authority to act in the face of health threats, such as enforcing isolation or quarantine measures. It enables authorities to implement appropriate interventions and regulate activities to control the spread of disease.

Restraint ensures that these powers are exercised reasonably, with safeguards to protect individual rights and prevent misuse or overuse. It is essential to maintain a balanced approach to extraordinary measures to safeguard against arbitrary and disproportionate actions. Without sufficient restraints, these powers may become tools of domination (Gostin 2007, 1).

Gostin thus insists that while many emergency laws emphasize power, legitimacy arises only when duty and restraint are equally institutionalized. Together, these principles promote effective, just, and accountable governance in public health emergencies. This framework helps evaluate whether emergency laws protect public welfare while also respecting rights, fairness, and democratic accountability.

International Health Regulations (2005)

The International Health Regulations (IHR) were created to prevent the spread of disease across borders without unnecessarily restricting travel and trade. They define when a situation becomes a "public health emergency of international concern" and require each country to establish a national contact point that can communicate directly with the World Health Organization. They also expect states to build basic systems so that outbreaks can be detected early, reported accurately, and managed before they escalate.

When it comes to preparedness, the IHR does not remain at a general level. Article 13 outlines what countries should do before a crisis occurs, and there are more detailed

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instructions for influenza pandemics (World Health Organization 2017). A practical checklist supports these instructions. The checklist specifies who should act, what systems should already exist, and how quickly decisions should be made. One important focus is the law. Countries are asked to review their own legal frameworks to determine whether they truly allow for emergency action. The IHR asks whether restrictions are lawful, whether vaccination can be required, how new medicines can be approved quickly, and how private hospitals can be regulated during crises (World Health Organization 2018). In this way, the IHR shows that preparedness is not only about hospitals and doctors but also about having laws that function effectively during emergencies.

These global instruments do more than suggest good ideas. Taken together, they shape how legitimacy is understood in emergency governance. Each instrument approaches the issue from a different angle. The SDGs focus on long-term structure and capacity. The Siracusa Principles address rights and limits. The GHSA emphasizes coordination between systems. The IHR, meanwhile, focuses on procedures and readiness. When read together, they reflect a shared understanding that emergency powers are not acceptable simply because they are urgent. They are acceptable only when they are explained, limited, fair to people, and properly organized. These instruments, along with the previously discussed jurisprudential theories, are synthesized into a unified analytical framework that will be discussed later in this paper. They are not merely fragments of rules but form an essential component of a theory of legitimacy.

RATIONALE BEHIND PUBLIC HEALTH LAW REFORM AND REVIEW

Building on the jurisprudential concerns of legitimacy discussed earlier in this paper, the review of public health laws must not be seen merely as an administrative step but as a core mechanism that ensures democratic accountability and responds to evolving circumstances. A periodic legal review process acts as a corrective to the exceptional nature of emergency powers. It reaffirms that necessity must not displace legality or rights. This section, therefore, examines the rationale for reviewing public health laws.

Justifications for a Public Health Law Review

A review of public health laws is often triggered by recurring disease outbreaks, emerging health risks, and the recognition that existing legal frameworks are inadequate to address contemporary challenges (Tulchinsky 2014, 46). Laws are expected to reflect modern scientific knowledge, evolving realities, emerging human rights standards, and changing governance structures. When laws fail to keep pace, legal responses may become outdated, incoherent, or ineffective. Because health issues are dynamic, health systems must also evolve, and laws must be updated regularly to remain effective (Pollack 2018, 13s).

There is also a problem of law multiplicity in decentralized systems, which can exacerbate inconsistency and uncertainty during emergencies. International standards and obligations further compel states to reassess their domestic laws. A periodic legal review functions as a safeguard to ensure that exceptional powers are exercised only when necessary, remain aligned with constitutional and legal rights, and are proportionate to the need (Gostin 2001, 1366).

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Scope of the Reform

The scope of reform in public health law is not fixed. It changes with a state's priorities, the types of health risks it faces, and the social conditions in which those risks emerge. Sometimes reform means only changing a few weak provisions. At other times, it may require replacing an entire law or drafting a new one. Reviews also examine rules that no longer work in practice or fail to respond to current health realities. Their purpose is to determine whether the law is understandable, workable, and consistent, and to identify gaps that block effective implementation (World Health Organization 2016, 29; Asim 2022, 1240).

From a legitimacy perspective, review cannot be limited to technical fixes. It must also ask whether authority is clearly defined, whether rights are protected, and whether measures match the level of risk they claim to address.

Public health emergencies demand not only medical and logistical readiness, but also timely scrutiny to preserve the temporary nature of emergency laws. Legal review thus functions as an institutional check, reconciling emergency governance with the rule of law, accountability, and rights. Such reviews are essential to ensure that public health laws remain coherent. This contributes to the normative framework for evaluating public health laws proposed in the next section.

NORMATIVE FRAMEWORK FOR STRENGTHENING PUBLIC HEALTH EMERGENCY LAWS

Drafting a legitimate and effective public health emergency legal framework must be based on a principled foundation that balances the imperatives of collective safety with civil liberties (James 2025, 61). A state may be required to take extraordinary measures, and such measures must be capable of adequately addressing the crisis of a public health emergency. However, extraordinary powers cannot be unlimited; they must always remain subject to legal and moral boundaries. Without clear guiding principles, emergency powers risk becoming tools of convenience rather than instruments of necessity.

The authors have developed the framework presented in Table 1 as a qualitative evaluative tool to assess whether emergency laws meet the requirements of legitimacy, accountability, and restraint. This framework is designed for legally binding emergency regimes, not for the absolute suspension of legality. It translates global legal standards and jurisprudential ideas into practical reference points for legal analysis. It does not attempt to impose rigid rules; instead, it offers guidance for carefully assessing the use of emergency powers. It helps determine whether a legal response is justified not only because it is urgent, but also because it is fair and responsible.

Each parameter is accompanied by guiding questions in the fourth column. These questions are meant to shape judgment, not to produce automatic answers. They shift attention away from outcomes alone and toward how decisions are made, why they are made, and where their limits lie. The framework can be applied across different countries and legal systems, enabling lawmakers, courts, and scholars to assess whether emergency laws protect public health without sacrificing the core values of legality and liberty.

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Table 1: Normative Parameters for Evaluating the Legitimacy of Public Health Emergency Laws (Source: Authors' own depiction)

Evaluation Parameter	Normative and Jurisprudential Foundations	Core Idea	Key Considerations for Evaluation
Legal Basis and Rule of Law	• IHR • Fuller • Gostin	Emergency powers must be grounded in apparent statutory authority and must remain consistent with constitutional limits and the rule of law.	Is the legal basis explicit and valid? Are responsibilities clearly assigned? Does the law respect constitutional procedures?
Necessity	• Siracusa Principles • Ó Cathaoir • IHR	Restrictions on rights must be strictly necessary, proportionate, and limited to achieving legitimate public health objectives.	Are measures based on evidence? Is there a clear factual threshold for declaring emergencies? Are interventions limited to genuine necessity?
Proportionality	• Siracusa Principles • Ó Cathaoir • Gostin	State actions must be limited to the least restrictive measures necessary to achieve public health objectives.	Does the framework require a proportionality analysis? Are less restrictive alternatives considered?
Temporality and Review	• Siracusa Principles • IHR • Fuller	Emergency powers must be limited in duration, regularly reassessed, and formally revoked or withdrawn when the emergency subsides.	Are time limits, review mechanisms, and sunset clauses built into the law? Is oversight ensured during renewal or extension?
Non-Discrimination and Equity	• SDG 3 (Good Health & Well-Being) • Human Rights Law	Laws must promote non-discrimination and provide special protection for vulnerable or marginalized groups.	Does the framework prevent discrimination? Are vulnerable populations specifically protected?
Transparency and Public Communication	• GHSA • Ó Cathaoir • Habermas (Communicative Rationality)	Public access to timely information and transparent communication strengthens legitimacy and encourages compliance.	Are decisions, data, and rationales made public? Are there requirements for timely, accessible communication?
Accountability and Oversight	• Gostin (Duty–Power–Restraint) • Siracusa • Habermas	Independent review mechanisms, accessible redress, and institutional checks and balances must accompany legal powers.	Is there independent oversight, judicial review, or grievance redressal? Are emergency powers subject to audit or reporting?

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Preparedness and Institutional Capacity	• IHR • GHSA • SDG 3.d	The framework must establish comprehensive systems for prevention, timely detection, and coordinated response.	Does the framework mandate disease surveillance, biosafety standards, inter-agency coordination, and capacity building?
Clarity and Procedural Morality	• Fuller (Inner Morality of Law)	Laws must be clearly drafted, publicly available, internally consistent, and capable of being followed to ensure fairness and legitimacy.	Are definitions and procedures clear? Are penalties proportionate and predictable? Is the law accessible and coherent?

This table serves as a conceptual framework and evaluative tool for reviewing national public health emergency legal frameworks in accordance with jurisprudential principles and international standards. An emergency framework that restricts rights yet satisfies these criteria can be considered balanced and democratically legitimate.

CONCLUSION

Public health emergencies put governance systems to the test, exposing deep tensions among sovereignty, public safety, and individual liberty. Drawing on Carl Schmitt's concept of the state of exception, a crisis may blur the line between legality and illegality, allowing the sovereign to suspend norms in the name of necessity. Nevertheless, as Jürgen Habermas and Lon Fuller argue, such exceptional powers must be legitimized through procedural fairness, justice, transparency, and the internal morality of law. These jurisprudential insights emphasize that any law restricting rights, even if necessary and issued by the sovereign, must be accountable and acceptable to the public. This accountability can be ensured through clear reasoning, defined limits, and adherence to ethical and moral principles. Emergency power, therefore, cannot exist without responsibility. Power without a justified and transparent application undermines trust and weakens the moral authority of law.

This paper reinterprets these theories through the lens of global and institutional frameworks, including the International Health Regulations (IHR), the Global Health Security Agenda (GHSA), the Sustainable Development Goals (SDGs), the Siracusa Principles, and the work of scholars such as Lawrence Gostin and Katharina Ó Cathaoir. The researchers synthesized these principles into an evaluative tool, identifying core parameters and questions that can guide the assessment and improvement of emergency legal frameworks. This framework transforms abstract theory into a practical evaluation method and can be adapted over time as principles and circumstances evolve. It allows decision-makers to test not only what the law does, but also how and why it does so.

Rather than questioning whether emergency powers are useful, this paper asks when they are justified. The significance of this research lies in its applicability across jurisdictions and contexts. It offers lawmakers, courts, independent review committees, and rights bodies a structured lens through which emergency legal regimes may be redesigned, reviewed, or assessed. Moving from theory to practice, the proposed framework can guide legislative drafting

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and policy analysis. Comparative analysis can further reveal how parameters of legitimacy operate within diverse political, cultural, and institutional settings. While the study proposes a normative framework grounded in jurisprudential thought and global principles, it also invites empirical testing within real legal systems. Future research can apply this framework to specific countries, crises, or court decisions, thereby contributing to a more universal, reliable, and justice-oriented model of emergency governance.

This study's principles-based approach has certain limitations. First, concepts such as accountability, legitimacy, and proportionality may be interpreted differently across cultural and political systems. Second, practical enforcement may be difficult in contexts where institutions are weak, since the framework focuses primarily on legal design. Third, even well-designed frameworks ultimately depend on political will, which the framework cannot guarantee. Therefore, the proposed tool should be used as a guiding framework rather than a fixed formula.

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CRediT AUTHOR STATEMENT

Asmita Patel: conceptualization, formal analysis, data curation, investigation, resources, writing-original draft preparation, visualization, project administration. **Mamata Biswal:** conceptualization, methodology, supervision, writing - reviewing and editing

All authors have read and agreed to the published version of the article.

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Serbia's Strategic Ambiguity as a Governing Strategy: EU Accession, Russia, and China

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Abstract
Strategic ambiguity is often seen as a short-term adjustment by smaller states facing great-power rivalry. In Serbia, however, it has evolved into a stable governing strategy within the framework of European Union accession. Drawing on hedging, omnibalancing, and ontological security, this article explains how foreign policy choices are shaped by concerns about regime stability, asymmetric economic dependence, and competing identity narratives. Based on a qualitative case study combining content analysis, discourse analysis, and process tracing of key decisions, the study shows that Serbia uses strategic ambiguity to manage domestic political pressures, pace international commitments, and navigate its complex relationships with the European Union, Russia, and China, selectively complying with EU accession requirements when politically or strategically advantageous.

Keywords
Strategic Ambiguity; Serbia; EU Accession; Russia; China; Hedging; International Affairs

INTRODUCTION

Belgrade has increasingly adopted a posture of strategic ambiguity, a foreign policy of "not choosing sides," as President Aleksandar Vučić himself stated when pressed about aligning with Western sanctions on Russia. This approach has seen Serbia endorse EU integration in principle while pragmatically hedging its bets: refusing to join Western sanctions on Russia, embracing Chinese investment, and declaring military neutrality even as it conducts joint drills with NATO and receives arms from Russia. Why has Serbia adopted this triangulated diplomacy, and what are its implications?

Since the fall of Slobodan Milošević, Serbia has consistently found itself pulled in multiple directions: toward a declared European future, yet constrained by history, energy dependence, and political symbolism. These pressures take concrete form. From Brussels comes the expectation of gradual alignment with EU law and foreign policy positions. Moscow, for its part, anticipates continued loyalty, particularly regarding Kosovo and sanctions. China approaches the relationship differently, emphasizing infrastructure, loans, and investment, largely without the political conditions associated with the European path. By presenting Serbia as a neutral actor positioned between East and West, the government reinforces its domestic legitimacy and political control.

Serbia's strategic ambiguity is not merely a series of ad hoc maneuvers but a consolidated policy approach, evident in official statements, policies, and international engagements. Military neutrality is enshrined in Serbia's security and defense documents,

operating more as a backdrop to policy than as a dramatic proclamation. EU membership continues to be presented as a strategic objective, even as references to Russia and China as long-standing partners remain part of the same discourse. These strands do not neatly converge. Such public signaling has normalized the idea that Serbia can integrate economically and institutionally with Europe while culturally and geopolitically keeping one foot in the East.

This article traces the evolution of Serbia's strategic ambiguity from 2012 to 2026, analyzing how it has been sustained and the challenges it currently faces. Coming to power in 2012, Vučić's Serbian Progressive Party (SNS) shifted from the overt pro-Western stance of its predecessors to a more nuanced position, affirming that EU membership remains a "top strategic interest" while simultaneously strengthening ties with Russia and China. Over the next decade, this ambiguity became entrenched as Serbia invited mutually rival great powers to deepen their footholds in the country.

The discussion spans several interconnected arenas. It first examines how EU accession has been articulated in domestic debate and the uneven record of alignment that followed. It then considers Serbia's ongoing energy and security ties with Russia, which continue to shape its diplomatic posture. China's growing role, especially after the 2023 free trade agreement, forms another critical element, both economically and symbolically. Throughout, attention is given to how ambiguity has become normalized in official language and policy practice. Finally, the article addresses the sharper constraints imposed by the post-2022 international environment, which have narrowed the maneuvering space available to smaller states.

Existing interpretations of Serbia's foreign policy tend to emphasize either pragmatic small-state balancing and hedging in multi-vector relations with the European Union, Russia, and China (Jović-Lazić 2025; Vučković and Radeljić 2024; Stekić and Mitić 2025), democratic backsliding and regime consolidation under stabilitocratic or competitive-authoritarian dynamics (Bieber 2018), or civilizational and identity-based narratives framing Serbia's enduring "in-betweenness" between East and West (Belloni 2023; Ejdus 2020). While each of these perspectives captures an important dimension of Serbia's external positioning, they are rarely integrated within a single analytical framework. This article contributes by bringing hedging (Goh 2005; Kuik 2008), omnibalancing (David 1991), and ontological security (Mitzen 2006; Steele 2008) into direct conversation, offering a more systematic account of how external alignment strategies, regime survival imperatives, and identity narratives intersect in the Serbian case.

THEORETICAL FRAMEWORK

Since 2012, Serbia's foreign policy has largely established a pattern of avoiding a definitive geopolitical alignment. At the same time, it has maintained working relationships with competing actors. Ambiguity here is not a temporary tactic or the result of indecision, but a stable approach to managing foreign policy obligations. Strategic ambiguity, in this context, refers to how Serbia positions itself: it does not commit clearly to one bloc over another and leaves its actions open to multiple interpretations. It avoids steps that would foreclose other options and make future adjustments more costly.

However, ambiguity alone does not explain how such a position is sustained in practice. This role is filled by hedging, which refers to the structure of specific policies: diversifying

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partnerships and distributing cooperation across areas to prevent dependence on a single power center (Goh 2005; Kuik 2008). In Serbia's case, this involves developing relations with the EU and the United States while simultaneously maintaining political and economic cooperation with Russia and China, without formally altering its strategic orientation. Sectoral division, trade, energy, security, and infrastructure, allows these relationships to advance without mutual exclusion. Thus, hedging functions as an operational mechanism that enables strategic ambiguity.

However, foreign policy rationality alone cannot explain the durability of this pattern. Omnibalancing introduces an internal dimension: leaders of weaker states shape foreign relations to safeguard political survival (David 1991). For Serbia, the EU is the main trade partner and source of investment and financial assistance; Russia supports Serbia's stance on Kosovo and remains a key energy partner; China finances and builds infrastructure projects and provides loans without demanding political reforms. Foreign policy flexibility, therefore, becomes a resource for internal stability, reducing the political costs of clear alignment.

The third level of explanation relates to identity. Ontological security assumes that states strive to preserve continuity in their self-understanding and avoid actions that would destabilize established narratives about themselves (Mitzen 2006; Steele 2008). In Serbia, the question of Kosovo and narratives regarding sovereignty are central to political identity (Ejdus 2020). National identity simultaneously incorporates both European and Orthodox-Slavic elements. A clear geopolitical alignment would require prioritizing one element over the other, potentially creating an internal imbalance. Strategic ambiguity allows these elements to coexist, reducing narrative risk.

This framework thus operates on three analytical levels: strategic ambiguity describes the pattern of foreign policy positioning; hedging explains how this pattern is operationally maintained through the diversification of relations; omnibalancing clarifies its internal political utility; and ontological security accounts for the stability of identity.

METHODOLOGY

This study adopts a qualitative case study approach to analyze Serbia's routinized strategic ambiguity in foreign policy since 2012. It draws on multiple sources of evidence, including official government documents, international agreements, speeches and statements by Serbian and foreign leaders, media reports, and secondary scholarly analyses, to trace the evolution of Serbia's foreign alignments and discourse. Within each thematic area, process tracing is employed to link key events and decisions, such as the signing of Serbia's EU accession agreement, energy deals with Russia, or major Chinese investment agreements, to shifts in policy or rhetoric. Particular attention is given to official discourse to examine how foreign policy choices are justified. The corpus consists of publicly available speeches, interviews, and official documents, with inclusion limited to texts that explicitly state Serbia's foreign policy position.

The study period begins in 2012, when a new government under the Serbian Progressive Party (SNS) was formed, signaling a shift toward a more multifaceted foreign policy, and extends through 2025 into early 2026. By this time, the consequences of the Ukraine war and intensified US–China rivalry had largely materialized for Serbia. This longitudinal scope allows for

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observation of both continuity and change: continuity in the patterns of hedging and strategic ambiguity, and change in the external pressures influencing Serbia. The research also employs triangulation across sources; for example, claims of Serbia's "military neutrality" in strategic documents are cross-checked against military cooperation activities, while Serbia's compliance with EU foreign policy is assessed through EU reports and statements from EU officials.

SERBIA AND THE EUROPEAN UNION: THE ACCESSION PARADOX

Since the early 2000s, Serbia's official strategic goal has been EU membership, reaffirmed in nearly every government platform and presidential address. On paper, Belgrade has made notable progress: it gained EU candidate status in 2012, opened formal accession negotiations in 2014, and by the mid-2020s had initiated more than 20 negotiation chapters. Serbian leaders routinely describe EU integration as the country's "civilizational choice" and emphasize that Serbia's future "belongs in Europe." Nevertheless, this pro-European narrative has coexisted with partial compliance and, at times, open contravention of EU norms, particularly in foreign and security policy. The result is a profound paradox: even as Serbia edges closer to the EU, it has simultaneously retreated from alignment with Brussels in critical areas.

A clear illustration is Serbia's alignment, or lack thereof, with the EU's Common Foreign and Security Policy (CFSP). As a candidate country, Serbia is expected to gradually harmonize its foreign policy positions with those of the EU (Jović-Lazić 2020). Reporting shows a notable decline in alignment after 2014: it fell from 99% in 2012 and 89% in 2013 to 62% in 2014, when Russia-West tensions escalated, and Serbia did not join EU measures related to Crimea (European Commission 2012, 2014). By August 2022, alignment had dropped to 45% (European Commission 2022), rising to 63% in 2025 following Serbia's participation in several individual statements and decisions. Sanctions against Russia were not introduced (European Commission 2025).

The EU remains Serbia's largest trading partner and donor. These economic and institutional incentives have encouraged Belgrade to maintain the appearance of a steady European course. Domestically, the idea of EU membership has remained popular, though support has waned amid a decade of stalled progress and the EU's own internal crises. When confronted by the Financial Times in 2022 about choosing between East and West, Vučić responded that Serbia "will not cave in" to such pressure and that "we have our own side, Serbia's interests" (Dunai 2022). By invoking historical grievances, Vučić justifies to the Serbian public why the country should not be quick to adopt Western sanctions or follow Brussels' directives unconditionally.

This delicate balancing act has led Kakarnias (2025) to describe Serbia as a "stalemated" candidate, institutionally in the EU waiting room but normatively drifting away. Serbia's scores in democracy and press freedom indices have declined markedly between 2012 and 2024, weakening the EU's transformative leverage. At the same time, the EU has been reluctant to withdraw the prospect of membership for geostrategic reasons: anchoring the Balkans in the West is seen as essential to prevent rival powers from filling the vacuum. This broader geopolitical urgency has arguably enabled Serbia's sustained strategic ambiguity.

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Brotherhood or Bargaining Chip: Serbia's Relations with Russia

Of all Serbia's external relationships, its tie with Russia is the most emotionally charged and, in many respects, the linchpin of its strategic ambiguity. Russia occupies a unique place in the Serbian national imagination, revered by many as a Slavic Orthodox "big brother" and protector, particularly on the issue of Kosovo. In contrast, others view it pragmatically as a source of energy and diplomatic leverage. The result is a carefully calibrated alignment with Moscow: intense cooperation in certain domains and symbolic camaraderie, combined with occasional token divergences that do not cross Kremlin red lines.

On the security front, Serbia has increasingly intertwined itself with Russia, albeit in an unofficial capacity. After 2015, Belgrade began participating in regular joint military exercises with Russian and, occasionally, Belarusian forces, such as the annual Slavic Brotherhood drills, signaling a sense of fraternity. Serbia also became an observer in the Russian-led Collective Security Treaty Organization (CSTO) Parliamentary Assembly in 2013, a status that allowed it to attend meetings without committing to collective defense obligations. Perhaps most significantly, Russia has become a key patron of the Serbian Armed Forces' modernization, donating MiG-29 fighter jets and additional armored vehicles, thereby reinforcing defense ties. By the early 2020s, Serbia's arsenal bore a heavy Russian imprint, even as the country simultaneously engaged in NATO's Partnership for Peace program. This duality did not go unnoticed in Brussels: concerns grew that Serbia's use of Russian (and later Chinese) military technology could hinder interoperability with NATO or EU missions. When Serbia acquired a Chinese FK-3 missile system in 2022, its first purchase from Beijing, some EU officials quietly warned that such systems were "incompatible" with Western frameworks (Dunai 2022).

Economically, energy dependence cements the Russian link. Serbia relies almost entirely on Russia for natural gas, with over 89% of imports historically coming from Gazprom (Hess 2025). Russia's Gazprom Neft holds a 56% stake in Serbia's national oil company, NIS, which controls the country's only oil refinery. Vučić has cited this "crucial" dependence on Russian gas to justify not aligning with EU sanctions. In mid-2022, even as the war in Ukraine raged, Vučić secured a new gas supply deal with Putin, obtaining favorable pricing and extended deliveries, a reward, effectively, for Serbia's loyalty in avoiding sanctions. Moscow has been explicit about its expectations: in October 2022, Russia's deputy foreign minister visiting Belgrade warned that imposing sanctions would constitute "political suicide" for Serbia (Beta 2022). The Serbian government took this seriously, not only because of fear of energy retaliation but also because sanctions would alienate a sizeable pro-Russian constituency and undermine Russia's diplomatic support, particularly at the UN regarding Kosovo.

As a result, Serbia has treated sanctions as a hard line it will not cross, while remaining flexible on other gestures. It voted in favor of UN General Assembly resolutions condemning the invasion and suspending Russia from the UN Human Rights Council. Nevertheless, it simultaneously refused to implement any sanctions or restrictive measures, thereby diverging entirely from EU policy. Moscow's response underscored that the true litmus test was sanctions: as long as Serbia remained outside the sanctions regime and continued to voice "traditional friendship," the Kremlin tolerated its other forays toward the West as a manageable inconvenience (Jović-Lazić 2025).

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Diplomatically, Russia has been an invaluable ally for Serbia on the issue of Kosovo, forming a core rationale for the close relationship. Since Kosovo's 2008 declaration of independence, Russia has consistently supported Serbia's refusal to recognize Kosovo and has used its UN Security Council veto to block Kosovo's admission to the UN. For Serbia's leadership, regardless of party, this backing is indispensable; no other major power provides such unequivocal support on this issue of national importance. In return, Serbia often aligns with Russia in international forums beyond the Kosovo question, frequently abstaining or voting against resolutions that Moscow opposes, apart from the notable exceptions related to Ukraine discussed earlier. High-level visits have been frequent: Putin received Serbia's highest state honor, the Order of the Republic, during a lavish visit to Belgrade in 2019, and Vučić has traveled to Moscow regularly.

From Russia's perspective, Serbia represents a rare foothold in Europe. The Kremlin appears content that Serbia remains outside NATO, refuses sanctions, and continues cooperative projects, such as energy and defense procurement. On a few occasions when Serbia drifted slightly, for example, when domestic pressures led Belgrade to cancel joint military exercises in 2020, or when leaked US intelligence in 2023 suggested Serbian weapons had ended up in Ukraine, Moscow's response was surprisingly restrained. Vučić deftly managed the arms-to-Ukraine controversy by asserting that any such transfers were commercial re-exports beyond his government's control (Landay and Vasovic 2023). Moscow accepted this explanation, likely because maintaining the broader relationship was paramount. The unwritten understanding has been clear: as long as Serbia does not formally side with the West against Russia, Russia will not turn against Serbia.

However, this relationship is not without costs for Serbia. Dependence on Russia has limited alternatives, particularly in energy, where few substitutes exist if supplies were disrupted. Politically, the pro-Russia stance constrains Serbia's EU prospects, leading to exclusion from certain regional initiatives and a degree of mistrust from certain neighbors. However, Vučić has calculated that the benefits outweigh these costs. Domestically, the Kremlin connection strengthens regime legitimacy: it bolsters national pride by signaling that Serbia is not isolated and maintains a superpower ally. This is a classic example of omnibalancing, using an external partnership with Russia to stabilize internal control through both material support and ideological alignment.

The Dragon's Embrace: Deepening Serbia's Ties with China

Serbia has cultivated a fast-growing partnership with the People's Republic of China, adding a third vector to its already ambiguous foreign policy. If Russia is Serbia's historical and emotional partner, China serves as its developmental and strategic investor-partner, a relationship largely free of the historical baggage that accompanies Serbia's ties to Europe or Russia. Over the span of a decade, China transformed from a relatively minor actor in Serbia into one of the country's most prominent non-Western investors and an increasingly visible political ally. Belgrade has actively courted Beijing, viewing China's rise as an opportunity to secure capital, infrastructure, and global influence without the political conditionality associated with Brussels. This "Eastern option" has strengthened Serbia's hedging strategy, providing an external

prop that diversifies its great-power connections beyond the traditional West-versus-Russia framework.

The surge in Serbia–China relations began in the mid-2010s, coinciding with China's launch of the Belt and Road Initiative (BRI) and the "16+1" cooperation format with Central and Eastern European countries (later 17+1). High-level exchanges proliferated: President Xi Jinping paid a state visit to Serbia in 2016, the second ever by a Chinese head of state, during which the two countries announced a "comprehensive strategic partnership."

Economically, Chinese investment and loans have transformed segments of the Serbian economy. A flagship project was the 2016 purchase of the Smederevo steel mill by China's Hesteel Group (HBIS). China is financing the Serbian side of the Belgrade–Budapest railway upgrade through soft loans, with Chinese contractors implementing the work (Stekić and Mitić 2025). In the energy sector, a Chinese company is constructing Serbia's first large thermal power plant in decades, the Kostolac B3 coal power block, also funded through Chinese credit.

China has also expanded into Serbia's technology and security sectors. During the COVID-19 pandemic, China's "mask diplomacy" in Serbia garnered global attention (Verma 2020), reinforcing Serbia's pivot to China in the eyes of the international community.

A landmark moment in the partnership came in 2023 with the conclusion of the China–Serbia Free Trade Agreement, Serbia's first free trade deal with a major global economy outside the EU. The FTA allows roughly 90% of goods to trade tariff-free, with about 60% of tariff lines reduced to zero immediately upon entry into force (Xinhua 2024). The agreement underscored the political will on both sides to institutionalize long-term economic interdependence. For China, Serbia serves as a strategic foothold in Europe, often described as China's "gateway to the Balkans." For Serbia, China is not only an investor but also a great-power backer that, unlike the West, firmly supports Serbia's sovereignty claims.

The relationship has been accompanied by symbolic and soft-power gestures (Marković Khaze 2021; Dragojlo 2021). However, the Serbia–China partnership is not without its contentious aspects. The EU has grown cautious about China's expanding footprint in the Balkans, including Serbia. European policymakers have openly debated how Chinese investments might influence Serbia's EU accession, though as of the mid-2020s, there is no formal "China clause" in the accession criteria (Tenev 2025). Environmental concerns related to Chinese-run factories have sparked local protests, signaling that not all segments of Serbian society embrace unchecked Chinese investments. Nevertheless, the Serbian government has largely dismissed such concerns, calculating that the immediate economic benefits and the strategic diversification away from sole reliance on the West outweigh potential drawbacks.

In conclusion, the Serbia–China partnership has become a critical pillar of Serbia's foreign policy, providing economic ballast and diplomatic cover that enable Belgrade's multi-vector strategy. Whereas Russia supplies Serbia with security leverage and emotional-political backing, China offers development leverage and a model of alignment with a rising non-Western power. Together, these relationships allow Serbia to claim influential partners in both the East and the West.

As with Serbia's other foreign-policy pillars, the deepening of ties with China is closely monitored by Western actors and may affect the sustainability of Belgrade's ambiguous stance. Should great-power competition intensify, Serbia's embrace of China, illustrated by the free trade agreement and expanding technological cooperation, could become a point of contention

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with Brussels and Washington. This may ultimately force Belgrade to make more difficult choices regarding regulatory alignment, security policy (e.g., 5G infrastructure), or potential future Western restrictions on China. For now, however, Belgrade continues to reap the benefits of what it frames as a "win-win" partnership with Beijing (Stekić and Mitić 2025).

Consolidated Ambiguity: Domestic Signalling and Routines

By the mid-2020s, Serbia's multi-alignment strategy had evolved from a series of tactical maneuvers into a durable, routinized policy pattern woven into the fabric of state policy and domestic discourse. This is evident in several ways. First, formal policy documents enshrine the principles of neutrality and diversified alignment. Serbia's National Security Strategy (last revised in 2021) explicitly identifies military neutrality as a core tenet, committing Serbia to neither NATO nor any other military bloc, while emphasizing equal "partnership cooperation" with both Eastern and Western powers. Similarly, the Strategy of Defence (2019) stresses guarding against potential threats "based on military neutrality," effectively codifying ambiguity as an official protective stance (Mihaylov 2024). Such language in strategic documents provides bureaucratic legitimacy to what might otherwise appear as a transient political tactic.

The narrative of ambiguity is reinforced across government and media. State-controlled tabloids, which enjoy wide circulation, frequently praise Russia or China while simultaneously highlighting Serbia's EU-funded projects or the importance of maintaining good relations with Brussels, normalizing a dual reality. Polling data reflect this complex public sentiment: recent surveys show that a plurality of Serbians prefer to "align with neither East nor West" in global disputes (BCSP 2022; IRI 2024). Domestic opposition to Vučić often accuses him not of excessive ambiguity, but paradoxically of being too close to one side or the other. That Vučić can be criticized from both directions indicates he has successfully charted a middle course, the essence of strategic ambiguity, and uses state institutions to maintain this stance as the commonsense position.

Public ceremonies and diplomatic gestures are carefully choreographed to reinforce this balancing act. Within a single year, Serbia might host NATO officers for a Partnership for Peace exercise while separately receiving Chinese or Russian military hardware in a televised ceremony. Government spokespersons praise European investments one week and Sino-Russian projects the next. This narrative of Serbia as a besieged but principled state, "not choosing sides but choosing Serbia," has been a consistent refrain (Jović-Lazić 2025). It frames strategic ambiguity almost as an existential imperative: Serbia must navigate this middle path to survive as Serbia.

This routinization is also evident in how strategic ambiguity transcends individual issues and becomes an all-of-government approach. Whether in defense procurement, energy contracts, or United Nations voting, Serbian officials consistently apply the same hedging logic. For example, when Serbia was invited to join a new EU initiative to purchase gas to reduce dependence on Russia jointly, it simultaneously held talks with Gazprom on a new long-term gas supply, ensuring that both an EU and a Russian option remained on the table.

In the security domain, after years of reliance on Russian and Chinese weaponry, Belgrade surprised many by deciding in 2022–2023 to purchase French Rafale fighter jets, reportedly in a deal worth billions of euros. France's president welcomed the move as "an opening toward a strategic change" for Serbia, potentially signaling a tilt toward the West.

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However, Serbian defense officials framed the decision not as a shift away from Russia but as part of a broader strategy of balancing and diversification. They emphasized that Serbia continues to maintain and upgrade its existing Russian equipment and that the Rafale purchase was about seizing opportunities that benefit Serbia's security, rather than signaling alliances. In other words, even a procurement that could symbolize alignment with the West was narrated as an extension of multi-directional cooperation. The presence of multiple foreign vendors in Serbia's arsenal, Russian MiGs, Chinese FK-3 missiles, French Rafales, Airbus helicopters, and more, serves as a practical metaphor for Serbia's foreign policy: a small quantity of everything, to avoid overreliance on any single partner (Stekić and Mitić 2025).

Another pillar of this approach is the echo of Yugoslavia's non-alignment. Serbia's diplomats frequently cite Belgrade's legacy as the host of the Non-Aligned Movement's founding in 1961. In October 2021, Serbia hosted a major NAM 60th anniversary conference, attended by over 100 countries (Marković Khaze 2021). While Serbia no longer holds full membership in NAM, retaining only observer status, the event's symbolism was significant, linking today's strategic ambiguity to a proud historical narrative of neutrality and global stature. It is important to note that this ambiguity is not without governance challenges. Some Serbian analysts worry that constantly playing all sides can produce inconsistencies and a lack of long-term strategy, a form of strategic drift. However, Vučić's highly centralized decision-making style has thus far managed these contradictions by concentrating foreign policy authority in the presidency and a close inner circle, ensuring a unified message externally even if internal processes remain opaque.

The cumulative effect of this routinization is that Serbia's multi-vector foreign policy has become deeply ingrained. It is no longer a temporary posture but the default setting of Serbian statecraft. A generation of Serbian diplomats and officers has grown up with the credo of "both EU and Russia, plus China" as normal. State media editors have learned to oscillate coverage accordingly. This institutionalized and cultural embedding implies that reversing course, suddenly choosing a clear side, would represent a profound political, institutional, and psychological shift.

THE 2022 SHOCK: ASSESSING THE LIMITS OF STRATEGIC AMBIGUITY

The Russian invasion of Ukraine in 2022 proved a watershed moment for Serbia's foreign policy, stress-testing its strategy of strategic ambiguity. On one hand, Serbia surprised some observers by joining the UN General Assembly votes condemning Russia's violation of Ukraine's territorial integrity. This represented perhaps the maximal anti-Russian step Serbia felt it could take, a largely symbolic act, given that the UNGA resolution carried no enforcement power, which signaled to the EU that Serbia was not fully endorsing the invasion. Vučić and his diplomats framed these votes as consistent with Serbia's own principle of territorial integrity, given the situation in Kosovo, portraying them as both justified and necessary.

However, outside the UN, Serbia firmly refused to impose any sanctions on Moscow, as previously detailed. The government cited everything from Serbia's wartime memories to energy dependence to justify this refusal (Dunai 2022; Jazeera 2025). The public framing was particularly notable: Serbian officials claimed they were under unbearable pressure from the West to sanction Russia, while simultaneously under pressure from Russia not to, "both East and West

are pressuring us," Vučić lamented (Bieber 2023). Casting Serbia as a victim of a proxy tug-of-war became a defensive narrative to justify inaction.

By late 2022, EU officials openly stated that Serbia would need to align with sanctions if it wished to advance toward membership. In diplomatic demarches, Western envoys in Belgrade warned that Serbia's stance was unsustainable in the long run, emphasizing that a "future in the EU" requires a clear strategic choice.

Simultaneously, Russia's demands, though largely limited to avoiding sanctions, grew sharper. The Kremlin expressed displeasure at Serbia's UN votes and its modest attempts to signal distance from Moscow's actions. Russian Foreign Minister Lavrov scheduled a visit to Belgrade in June 2022 to reinforce ties. However, the visit had to be canceled when Serbia's neighbours, all EU/NATO members, denied overflight rights, effectively isolating Serbia logistically. The incident underscored Serbia's vulnerable position: geographically surrounded by NATO and EU states, its practical room to maneuver is constrained (Bieber 2023).

Throughout 2023 and 2024, pressures mounted from both sides. The European Parliament passed resolutions calling for the suspension of Serbia's accession negotiations if Belgrade did not sanction Russia. While non-binding, these resolutions conveyed a strong political message. The United States also increased pressure, notably imposing sanctions in 2023–2025 on Serbian entities linked to Russia, including the state-owned gas company, which was indirectly affected by its Russian parent company (Al Jazeera 2025). In October 2025, US sanctions on NIS, Serbia's oil company controlled by Gazprom Neft, came into effect, generating significant concern in Belgrade and prompting discussions about reducing Russian ownership. Serbia's critical infrastructure was now directly affected by its straddling stance, and the costs of ambiguity were beginning to translate into tangible consequences.

From the East, Russia and China continued to court Serbia, but with implicit expectations. Moscow continued to provide energy on favorable terms and refrained from punitive measures; yet, as the war in Ukraine intensified, Russia arguably became more reliant on Serbia as a friendly transit route. For example, Serbia refused to join a ban on Russian overflights, making Belgrade's airport a rare gateway for Russian travel when EU airspace was closed. China, meanwhile, proceeded with the FTA and deepened economic ties during the conflict, signaling that it was unconcerned by Western disapproval and perhaps viewing Serbia as increasingly strategically valuable amid East-West decoupling. However, escalating China–US tensions, over Taiwan or other issues, could create a similar litmus test for Serbia in the future.

In 2025, a sense of urgency permeated Belgrade's foreign policy circles. Western officials adopted blunt language, insisting that Serbia "must decide" whether it remains on the European path (Jović-Lazić 2025). Russia, embroiled in a protracted conflict, is less able to offer incentives and may eventually demand more explicit support. For example, if a ceasefire vote were to arise, Russia might expect Serbia to break entirely with the West. The space between the blocs has undeniably narrowed, making principled ambiguity harder to justify when great powers frame their rivalry in existential terms.

The Ukraine war also reshaped regional dynamics, further constraining Serbia. Neighboring countries, even traditionally friendly ones like Hungary, adopted sanctions and largely followed EU measures, leaving Serbia more isolated in Europe. Domestically, the conflict further polarized public opinion: hardline nationalists became more openly pro-Russian, while a small pro-Western liberal segment warned that Vučić's fence-sitting was jeopardizing Serbia's

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future. In response, the regime doubled down on its media narrative: anyone advocating sanctions or distancing from Russia was branded an "agent of Western influence" attempting to provoke a Ukraine-style conflict in Serbia (Ejdus 2024). Thus, strategic ambiguity continues to function not only as an external balancing strategy but also as a domestic survival mechanism for the ruling elite.

In concrete terms, Serbia has sought to extend the timeline of its ambiguity, hoping for a more favorable external environment. This strategic temporizing is itself a hallmark of hedging, attempting to survive until circumstances, perhaps a period of multipolar détente, allow ambiguity to remain viable. However, this may be wishful thinking. The war in Ukraine marked a structural break: a return to a Cold War–like bifurcation in which small states can no longer hedge as freely. As Jović-Lazić (2025) warned, "deepening polarization narrows options," and if a new Cold War fully emerges, whether West versus Russia or West versus China, countries like Serbia "will face ultimatums."

Signs of this are already evident. Serbia's stance has undermined EU unity and the credibility of its enlargement policy, and EU leaders are increasingly intolerant of a candidate aligning with EU foreign policy only 45% of the time. Conversely, any move toward NATO membership or openly allowing Western military aid to transit to Ukraine would likely provoke Moscow's ire. Even steps that might appear modest, such as hosting European training missions, must be carefully calibrated by Belgrade.

In essence, the Ukraine war called Serbia's bluff. It demonstrated that Serbia's carefully maintained posture could withstand a major shock, but at a high cost and with heightened precariousness. Serbia did not collapse under pressure from 2022 to 2025; Vučić even won re-election in 2022 by a large margin, campaigning on stability and neutrality. However, the long-term trajectory remains unsustainable. Serbia has managed to sit on three chairs, the EU, Russia, and China, for some time, but those chairs are drifting apart. In the coming period, absent a geopolitical easing, Serbia will likely need to relinquish at least one chair to avoid falling. The Discussion section will explore possible futures and the theoretical implications of Serbia's predicament. However, one point is clear: 2022 marked the moment when strategic ambiguity stopped being easy for Serbia and began becoming an increasingly heavy burden.

DISCUSSION

Serbia's decade-plus experiment in strategic ambiguity offers valuable insights into the foreign policy behavior of small states. It also raises a critical question: Can Serbia's ambiguity endure in the emerging geopolitical order, or is it approaching a strategic expiration? Belgrade's simultaneous courting of the EU (and, to a lesser extent, the US) alongside Russia and China aligns closely with the defining feature of hedging: avoiding overcommitment to any single partner to guard against uncertainty. In doing so, Serbia has also engaged in what might be called "dominance denial," seeking to prevent any single external actor from exercising disproportionate influence (Kuik 2008).

Foreign policy has been closely tied to the regime's internal interests. This pattern reflects a key omnibalancing insight: leaders use external alignments to manage domestic threats and consolidate power. Vučić has balanced between foreign powers to neutralize potential bases of opposition; pro-EU urban liberals cannot accuse him of isolationism,

nationalists cannot accuse him of selling out to NATO, and so on. Serbia's hedging has also allowed Vučić to signal to EU actors that he is a stabilizing bulwark against regional chaos, "don't push too hard, or Serbia might swing fully East," while simultaneously convincing Russia and China that he is a reliable foothold in Europe.

This dual strategy has been effective to an extent, but it relies on external actors accepting that they need Serbia as much as Serbia needs them. The war in Ukraine is disrupting that calculation. Western powers are now less willing to tolerate local autocrats who hedge with adversaries, an evolution that omnibalancing theory would predict when the external threat (Russia or China) is perceived as more pressing than internal stability concerns. Serbia's strategic ambiguity, long sustainable under conditions of multipolar flexibility, is increasingly constrained by these shifting geopolitical realities.

The ontological security dimension in Serbia's case helps explain why strategic ambiguity has resonated broadly with the public and endured over time. Serbia's identity, oscillating between a European and a Slavic/Eastern orientation, finds expression and reassurance in the government's "both/and" foreign policy. At the same time, insisting on eventual EU membership reinforces another layer of identity: that Serbia is a European nation destined to reclaim its place within that community. Strategic ambiguity thus allows Serbia to avoid an identity crisis at the state level.

However, this approach carries external risks. Research by Vučković and Radeljić (2024) notes that Serbia's practice of "diplomatic diversification to the limits of absurdity" projects the image of a small state unsure of its orientation, potentially eroding other actors' trust. This constitutes an external form of ontological insecurity: other states cannot form stable expectations of Serbia because its behavior remains highly context-dependent. The question of sustainability is pressing. While strategic ambiguity was rational and feasible during 2012–2020, it increasingly collides with the hardened structure of international politics after 2022. As a non-aligned or hedging state in an era of renewed superpower rivalry, Serbia confronts the stark question: "Are you with us or against us?" (Vučković and Radeljić 2024). Historically, Yugoslavia navigated the Cold War by co-founding the Non-Aligned Movement, leveraging a bipolar structure to its advantage. Today, however, Serbia is smaller, economically more dependent on the West, and landlocked by NATO and EU members, all factors that limit its ability to play one side off the other.

Several futures are possible. First, Serbia may be forced into alignment sooner rather than later. If the EU maintains that no progress will occur without sanctions on Russia, Belgrade might conclude that it cannot afford to alienate the West and make the difficult choice to distance itself from Moscow. Alternatively, if the EU accession process continues to stall or the EU loses appetite for enlargement, Serbia could double down on alternative partnerships, potentially drifting toward a quasi-Eurasian orientation. A third scenario is that Serbia attempts to maintain ambiguity until external conditions change, such as a shift in leadership among great powers that permits renewed détente.

From a theoretical perspective, Serbia's experience refines our understanding of hedging's limits. When great-power competition intensifies into clear antagonism, hedging options narrow, and states may be forced to transition toward outright balancing or bandwagoning, a process sometimes called "de-hedging" (Stekić and Mitić 2025). Signs suggest Serbia is approaching such a junction. Some Western policymakers suspect Serbia is effectively

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bandwagoning with Russia and China under the guise of hedging. In contrast, some Russian observers suspect Serbia is inching toward the West despite friendly rhetoric. Both indicate that Serbia's ambiguity is losing credibility. Once trust erodes, hedging can collapse, leaving the state in an untenable position: neither side trusts the hedger. Serbia must tread carefully, as the worst-case outcome is isolation and vulnerability, the very condition Vučić's hedging was designed to prevent. In the West, following Serbia's refusal to sanction Russia, some EU voices have begun questioning whether Serbia should be allowed to advance toward membership at all. This dual skepticism may only intensify in the coming years.

Vučić's leadership has proven highly adept at buying time. If he perceives that the threat to regime survival from not choosing a side outweighs the threat from making a choice, he could recalibrate. Recent civil protests and an opposition boycott have hinted at cracks in the aura of stability. Should ambiguity begin to erode public support, for example, if Chinese projects trigger environmental backlash or Russian ties lead to economic harm via sanctions, he may gradually shift policy in a new direction, ideally while preserving domestic narrative and face.

Serbia's experience underscores a broader lesson: strategic ambiguity is a powerful tool for small states, but it works best in conditions of moderate rivalry. It can become untenable in extreme great-power competition. It also demonstrates that ambiguity is easier to sustain when a state's internal politics and identity mirror its foreign policy ambiguity. Serbia has been able to maintain hedging partly because its society and history encompass both pro-Western and pro-Eastern currents. In a society uniformly oriented toward either bloc, the leadership likely could not have justified such a long-standing multi-vector approach. In this sense, Serbia illustrates how domestic and international factors can mutually reinforce a foreign policy posture.

Serbia's trajectory carries broader implications for the European security order. A tilt toward the West would mark the last major piece of ex-Yugoslavia integrating into the Euro-Atlantic orbit, aside from the unresolved Kosovo issue. A tilt toward the East, in contrast, could establish Serbia as a foothold of Russian and Chinese influence in Europe, a scenario that remains a key concern for NATO and the EU. While Serbia is a small state, the stakes surrounding its strategic choice are disproportionately high. In European policy circles, Serbia is often cited as a test case for the EU's ability to shape and transform its neighborhood.

CONCLUSION

Under Vučić's leadership, Belgrade managed to court the European Union, embrace Russia as a traditional ally, and welcome China as a new strategic partner, all at once. This strategic ambiguity, sometimes lauded as shrewd pragmatism and sometimes criticized as duplicity, delivered tangible benefits. By 2026, however, the costs and contradictions of this approach had become increasingly apparent. Serbia's EU accession process has stalled. Its refusal to join EU sanctions has isolated it from the Western consensus on European security, casting doubt on its reliability as a partner. Meanwhile, even as Chinese ties deepen, symbolized by the 2024 free trade agreement, they cannot substitute for the political and geographic reality of Serbia's European setting. In short, pressures from both East and West are shrinking Serbia's strategic room for maneuver.

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The war in Ukraine fundamentally constrained Serbia's strategic ambiguity. It intensified the binary pressure on Belgrade to "pick a side." So far, Vučić has doubled down on the narrative that Serbia's only side is its own, invoking the trauma of the 1990s to justify refusal to sanction Russia, while simultaneously appealing to European aspirations to avoid aligning too closely with Moscow (Dunai 2022; Bieber 2023). Serbia's gestures of friendship toward Russia and China have grown more conspicuous as it seeks to reassure those partners of its loyalty.

Serbia's case validates many predictions of hedging and omnibalancing. A small state can achieve a degree of autonomy and benefit from multi-alignments. Nevertheless, it also underscores a key limitation: hedging is inherently time-bound. Continued ambiguity eventually risks diminishing returns or outright failure, especially if the international system crystallizes into adversarial blocs. Serbia appears to be approaching that juncture. As one analysis presciently noted, a new Cold War could render Serbia's neutrality "untenable," forcing the country to face ultimatums from both sides. Early signs of this dynamic are already visible.

None of this means Serbia's fate is sealed or that a dramatic realignment is imminent. Vučić has proven to be a resilient and agile political operator, and Serbia may still find ways to prolong its delicate balancing act, hoping for an easing of global tensions. Domestic change also remains a wildcard. A future government, particularly in a post-Vučić era, could redefine Serbia's national interest more decisively toward the EU, or tilt more openly toward the East.

The coming years will determine whether Belgrade can maintain this multi-vector strategy in an increasingly polarized world or whether strategic ambiguity will ultimately give way to a clearer alignment.

This study focuses primarily on Serbia's foreign policy since 2012 and its interactions with the EU, Russia, and China from 2012 to early 2026. It does not fully capture potential shifts under future Serbian governments, changes in domestic public opinion, or the influence of unforeseen global events such as economic crises or regional conflicts. Additionally, while this analysis emphasizes official discourse, policy documents, and international agreements, it cannot account for all informal or behind-the-scenes negotiations that may shape Serbia's foreign policy. Finally, the theoretical framing of hedging, omnibalancing, and ontological security provides a structured lens but may not capture every nuance of Serbia's behavior, particularly in a rapidly evolving geopolitical environment.

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CONTRIBUTOR

The author contributed solely to the intellectual discourse that forms the foundation of this article, as well as its writing and editing, and assumes full responsibility for its content and interpretation.

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Academic Freedom as a Complex Legal Phenomenon: International Standards, National Models, and Implementation Challenges

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Abstract
This study is motivated by the growing global threats to academic freedom, even in democratic societies. Academic freedom is a key indicator of democratic health and scientific development amid political transformations and constraints on university autonomy. Despite an extensive international legal framework, the effective implementation of academic freedom guarantees remains a challenge, underscoring the need for comprehensive analysis at both the international and national levels. This article examines contemporary scientific approaches to defining academic freedom, exploring its legal nature and role within the international human rights system. It analyzes relevant international legal instruments and their application in national contexts. It identifies key gaps, including the lack of a specialized treaty, unclear implementation mechanisms, and dependence on state political will. Practical recommendations are proposed to strengthen legal regulation and institutional safeguards for academic communities.

Keywords
Academic Freedom; University Autonomy; International Law; Human Rights; Legal Regulation; Institutional Safeguards; Liberty

INTRODUCTION

Academic freedom is a fundamental principle of higher education and democratic governance. Its current legal status, both internationally and nationally, remains fragmented and derivative, which is widely regarded as insufficient. Academic freedom enables scholars, researchers, and students to acquire knowledge, express ideas, conduct research, and disseminate results without undue interference from political authorities, ideological pressures, or institutional constraints. In this sense, it represents both a professional privilege of the academic community and a vital component of the broader human rights and democratic governance framework.

As one of the core principles of modern academic inquiry and education (Zaiets 2025), academic freedom underpins society's democratic structure. Universities that foster open thinking and dialogue help cultivate engaged citizens capable of resisting authoritarian tendencies. Attacks on academic freedom are often viewed as indicators of a weakening democracy and rising censorship. Conversely, protecting academic freedom promotes free expression throughout society and strengthens the broader culture of human rights (Kostruba 2019).

However, in recent decades, academic freedom has faced increasing global challenges. Even in democratic states, universities operate in environments shaped by political polarization, governmental influence on higher education policy, restrictions on institutional autonomy, and pressures related to national security, economic interests, or ideological conflicts. Researchers and instructors often avoid topics perceived as controversial, leading to self-censorship, limitations on critical research, slower innovation, and diminished public trust in scientific findings.

Education can become a means of perpetuating established views rather than a space for fostering independent thought. When academic independence is undermined, universities are subjected to political or administrative pressures. One significant consequence of such restrictions is the brain drain of researchers and students to countries with stronger guarantees of freedom. This results in the loss of creative and engaged citizens, decreased competitiveness of universities, and the spread of disinformation and authoritarian practices in society, undermining scientific and educational development and threatening democratic processes. These trends illustrate that academic freedom is not a static legal concept but a dynamic socio-legal phenomenon reflecting the interplay of political power, legal guarantees, and the human dimension of scholarly activity.

Although international legal instruments indirectly protect academic freedom through broader human rights frameworks, such as freedom of expression, the right to education, and freedom of association, regulation remains fragmented. The absence of a comprehensive, binding international treaty specifically dedicated to academic freedom, coupled with weak enforcement mechanisms, creates significant challenges for its practical implementation. Consequently, the protection of academic freedom often depends on national legal systems, political conditions, and the institutional culture of universities.

In this context, a thorough conceptual and legal analysis of academic freedom is particularly relevant. This study aims to assess the current legal status of academic freedom under domestic and international law and identify the normative and structural shortcomings that impede its full protection. Specifically, the study seeks to: summarize the perspectives of contemporary Ukrainian and international researchers on the nature, challenges, and opportunities for safeguarding academic freedom under international law; examine international legal actions that restrict academic freedom and evaluate their substance and legal relevance; identify the primary limitations of international legal oversight in this area; reinforce the necessity of national legislation and the role of states in protecting academic freedom; and propose practical recommendations for enhancing both national and international mechanisms for its preservation. Particular attention is given to the relationship between academic freedom, university autonomy, and the broader international human rights framework.

The article is structured as follows. First, it analyzes the theoretical and conceptual foundations of academic freedom. Next, it examines the international legal framework governing academic freedom. It then identifies the main gaps and challenges in implementing academic freedom guarantees. Finally, the article offers recommendations for strengthening legal and institutional mechanisms to protect academic freedom at both international and national levels.

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LITERATURE REVIEW

Studies show that academic freedom has a direct positive impact on scientific and technological progress. As Audretsch et al. (2024) note, higher levels of academic freedom correlate with increased inventions and patents, highlighting its importance for the innovative development of society. Academic freedom can thus be seen as an institutional facilitator of innovation, creating an environment in which scientists can experiment with new ideas, formulate alternative hypotheses, and critique established approaches without fear of political or administrative persecution. This intellectual autonomy fosters breakthrough research and technological advancements with long-term socio-economic benefits.

International legal instruments recognize academic freedom as a fundamental component of the human right to education and scientific endeavor. As UN Special Rapporteur Shaheed emphasizes in her 2024 report, academic freedom enables individuals to be creative, develop critical thinking, "think outside the box," and exercise their right to seek and share knowledge for the benefit of society (United Nations 2024). Therefore, academic freedom should be understood not only as an intrinsic value but also as an indispensable condition for societal progress and democracy. From an international law perspective, academic freedom is part of a broader set of cultural and educational human rights, closely linked to freedom of expression, scientific creativity, and the right to education. This perspective recognizes that universities play a critical role in shaping democratic discourse and fostering critical thinking in society.

The Academic Freedom Index 2022 highlights concerning global trends. Scholars report two key findings regarding 177 countries: (1) a substantial and statistically significant decline in academic freedom in 19 countries, with improvements in only two compared to 2011; (2) this decline coincides with an accelerating wave of autocratization (Kinzelbach et al. 2022). These results indicate a global trend toward the narrowing of academic freedom, occurring not only in authoritarian or hybrid regimes but also in states with established democratic institutions. Such trends demonstrate that threats to academic freedom may arise both from state authorities and internal university governance.

Encroachments on academic freedom are evident across countries with varying levels of democratic development. For instance, public and legal debates arose over allegations that the University of New Mexico discriminated against a female student because of her political views (Thomas 2017). These cases illustrate that conflicts surrounding academic freedom often emerge where academic standards, political beliefs, and institutional policies intersect, underscoring its complex and multidimensional nature.

In late November 2018, the American Association of University Professors (AAUP) identified clear deviations from accepted standards of shared governance at Vermont Law School, a private institution in South Royalton, Vermont, USA. The AAUP report noted that the school's administration and board had "restructured" the faculty by cutting salaries and reducing the number of full-time positions without faculty involvement in decision-making (AAUP National 2018). This case illustrates the close connection between academic freedom and the principle of university self-governance. When faculty lack meaningful participation in strategic decisions, institutional guarantees of academic freedom can be weakened, as collegial governance is traditionally considered a key mechanism for protecting it.

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The situation in the United Kingdom remains ambiguous. Karran et al. (2021) found that while the de jure protection of academic freedom in UK universities is lower than in EU states, empirical evidence shows that staff in the UK are more likely than their EU counterparts to report declines in de facto freedoms related to teaching, research, autonomy, tenure, and governance. Even when regulations nominally protect academic freedom, university working conditions can impose restrictions on research and teaching autonomy.

Across the European Higher Education Area, universities themselves have, in some cases, become "direct violators of academic freedom" (Beiter et al. 2021). This conclusion is based on a comprehensive analysis of constitutional provisions, higher education laws, and other relevant regulations in EU member states. Scholars used a standardized scorecard based on UNESCO's Recommendation on the Status of Higher Education Teaching Personnel to assess protection levels (Beiter et al. 2021). However, contemporary management trends, including the commercialization of education, increased administrative control, and stronger managerial governance models, can alter internal institutional dynamics and create new risks to academic autonomy.

The Free to Think 2025 report recorded 395 incidents targeting scholars, students, and institutions across 49 countries and territories between 1 July 2024 and 30 June 2025 (Laifer 2025). These data underscore the global relevance of academic freedom. Cases involving the persecution of scholars, restrictions on research, and interference with university operations highlight the urgent need to strengthen both international and national mechanisms to protect academic freedom.

Despite numerous studies, contemporary scholarship on academic freedom remains somewhat fragmented. Most research either empirically measures levels of academic freedom or analyzes its legal codification in international and national norms. Less attention has been paid to understanding academic freedom as an integrated phenomenon that combines political, legal, and humanistic dimensions. Furthermore, the interaction between international standards, national legal frameworks, and institutional practices is insufficiently addressed. This gap calls for a more integrated analysis of academic freedom that considers its political, legal, and human aspects. In this context, the present study aims to provide a comprehensive examination of academic freedom through the interplay of politics, law, and the human dimension, while identifying key challenges and prospects for improving mechanisms that protect it in the contemporary global environment.

METHODOLOGY

The methodological basis of this study combines general scientific and specialized legal methods to provide a comprehensive, systematic, and critical examination of academic freedom in international law.

First, the formal-legal method was employed, following established approaches to legal interpretation that emphasize systematic and teleological analysis of normative texts (McDougal and Lasswell 1967; Peters and Schwenke 2002). This method enabled an in-depth examination of international legal instruments regulating academic freedom, including the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, UNESCO

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recommendations, and regional declarations and charters. Analysis involved interpreting their provisions and comparing norms that directly or indirectly guarantee academic freedom, thereby clarifying its legal nature and its place within the broader system of international human rights law.

The historical-legal approach was used to situate academic freedom within its historical context and to trace the evolution of international legal approaches. This method, grounded in the tradition of contextual interpretation in international law, emphasizes understanding normative development within its socio-political environment (Koskenniemi 2009). It enabled the identification of the shift from declarative formulations to attempts at institutional operationalization and allowed for a retrospective analysis of the formation of modern initiatives. This approach highlighted the gradual transition from the declarative proclamation of scientific freedom to the specification of its legal content and the creation of relevant protective mechanisms.

The system-structural method was applied to achieve a comprehensive understanding of academic freedom as a multi-level phenomenon. The study considered academic freedom at the individual level (the rights of teachers and students), at the collective level (university autonomy), and as a component of the international legal order. This method facilitated analysis of the interrelationships among international legal norms and identification of gaps and contradictions. The system-structural perspective aligns with structural-functional analysis in legal theory, viewing legal institutions as interdependent elements within a normative order (Lytvyn et al. 2022). It thus allowed academic freedom to be examined simultaneously as an individual right, an institutional guarantee, and a part of the international legal system.

The comparative approach, drawing on methodologies from comparative constitutional law, emphasized contextual and functional analysis (Zweigert and Kötz 1998; Tushnet 2018). It was employed to compare the legal approaches of various international institutions and regions, identifying structural similarities and differences in constitutional protections of academic freedom. This approach also enabled tracing trends toward the concretization of academic freedom in specific legal systems, such as its codification in the Charter of Fundamental Rights of the European Union.

Finally, the method of analysis and synthesis was applied to systematize scientific sources and contemporary research. Scientific articles by Ukrainian and international scholars were reviewed to identify leading approaches to understanding academic freedom, its current threats, and protective mechanisms. The synthesis of these findings facilitated the formulation of generalized conclusions and arguments to substantiate the study's main thesis. Overall, the methodology provides a multi-faceted, systematic, and critical framework for studying academic freedom in international law, integrating legal, historical, comparative, and analytical perspectives.

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RESULTS

International Legal and Conceptual Approaches to Academic Freedom

The normative standing and degree of protection of academic freedom are strongly influenced by the ongoing conceptual uncertainty surrounding its definition, which remains a subject of debate in legal scholarship (Fish 2014). Recognition of academic freedom as an independent legal right in both national and international law depends largely on how it is construed (Semenets-Orlova et al. 2022). The Humboldtian paradigm, which formalized the concepts of freedom of teaching and learning, laid the foundation for the modern notion of academic freedom in nineteenth-century Europe (Darian-Smith 2025). These ideas later informed regulatory frameworks and contemporary international standards.

According to paragraph 26 of the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel, academic freedom encompasses a set of interrelated rights that provide intellectual independence in the academic environment (UNESCO 1997). As Yermachenko et al. (2023) note, it includes freedom of teaching and learning, research and publication, expression of opinions, participation in debates, and elements of self-governance. Academic freedom should be understood as responsible freedom grounded in professional standards and accountability to the academic community rather than as unrestrained liberty (Börzel and Spannagel 2025). It functions both as a guarantee of independence and as a mechanism for safeguarding the quality of knowledge and public trust in science (United Nations 2024).

While closely related to freedom of expression, scientific integrity, and institutional autonomy, academic freedom cannot be reduced to any of these concepts. It evolved alongside constitutional traditions of free speech but also acquired distinct institutional and professional characteristics. Academic freedom presupposes institutional conditions that allow autonomous inquiry while ensuring that research, teaching, and publication are conducted responsibly within academic obligations (Kalina et al. 2022). These conditions are supported by university autonomy but cannot replace individual academic rights; a stable system depends on the interaction of both.

The American Association of University Professors' traditional definition (AAUP 1940) emphasizes the freedom of academics and researchers to conduct research, teach, publish, and participate in institutional governance without external interference. Similarly, the Rome Communiqué of the European Higher Education Area (2020) underscores engagement with society beyond the campus and provides comparable safeguards for students. The UN Special Rapporteur on Cultural Rights also stresses that academic freedom encompasses participation in public discourse and applies equally to educators, researchers, and students (United Nations 2024). While the scope of these formulations differs, they share two core elements: independence in academic duties and freedom from interference.

There are two primary ways to interpret academic freedom. A narrow interpretation focuses on the professional autonomy of researchers and instructors (Stone 2015; Slowey and Taylor 2024). A broader view situates academic freedom within the human rights framework and considers institutional autonomy (Pil et al. 2023). Contemporary approaches combine these perspectives, recognizing both institutional and human dimensions. Accordingly, academic

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freedom can be defined as a legally protected and institutionally supported status that allows teachers, researchers, and students to acquire, create, and disseminate knowledge through research, teaching, learning, publication, and public debate without undue interference or censorship.

From a conceptual perspective, academic freedom is a legal right that is both independent and institutionally grounded. For analytical clarity, it should be distinguished from related concepts. University autonomy, for example, refers to the institutional independence of higher education institutions in governance and decision-making and serves as a structural guarantee of academic freedom. However, it is conceptually distinct from academic freedom. Similarly, freedom of expression is a universal constitutional right, while academic freedom is a specific legal concept tied to the performance of academic functions and duties. Blurring these distinctions can weaken the legal protection of each.

At the international level, academic freedom is not fully codified or enforced through any global convention (Nowak 1995). Traditionally, states retained primary responsibility for educational matters, and soft law instruments served as the primary tools for developing international standards. Key documents include the World Declaration on Higher Education (1998), the Declaration on Human Rights Education and Training (2011), the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997), and related United Nations treaties. These instruments outline standards such as the freedom to conduct research, publish findings, express professional opinions, and participate in academic organizations.

Indirect protection is also provided through legally binding human rights treaties. Article 15(3) of the International Covenant on Economic, Social, and Cultural Rights obliges states to ensure the freedom necessary for scientific inquiry and artistic endeavor (United Nations 1966b). Article 19 of the International Covenant on Civil and Political Rights guarantees the right to seek, receive, and disseminate information (United Nations 1966a). International bodies interpret these provisions as encompassing academic activities, thereby providing indirect protection for academic freedom (UN Economic and Social Council 1999; Darian-Smith 2025).

Regional systems further develop these standards. Article 13 of the Charter of Fundamental Rights of the European Union (2000) recognizes academic freedom as a universal right and a public good. The Bonn Declaration on Freedom of Scientific Research (2020) reinforces this, emphasizing that academic freedom is both a fundamental right and a public good. The European Court of Human Rights has addressed academic freedom indirectly through freedom of expression, highlighting the special role of universities and applying proportionality analysis in cases such as *Sorguç v. Turkey* and *Kula v. Turkey*. However, the Court has not recognized academic freedom as an independent right, underscoring its derivative nature within the European Convention framework.

Other regional initiatives strengthen the normative articulation of academic freedom. The 2021 Inter-American Principles on Academic Freedom and University Autonomy impose clear obligations on governments and articulate both individual and institutional dimensions within the Inter-American system (Inter-American Commission on Human Rights 2021). In Africa, the Kampala and Dar es Salaam Declarations (1990) affirm academic freedom as essential for advancing democracy. These regional efforts reflect a growing attempt to formalize academic independence normatively.

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Despite the expansion of international and regional standards, these instruments primarily provide conceptual frameworks rather than enforcement mechanisms. In practice, academic freedom is largely ensured through national constitutional and legislative frameworks. Since no international treaty specifically codifies academic freedom, it is often protected indirectly through general rights, such as the right to education or freedom of expression. Consequently, academic freedom may be formally recognized but remain structurally vulnerable, with its effective protection heavily dependent on national legal systems and standards of judicial review.

Case Law and Constitutional Issues in Academic Freedom

The selection of the United States, Germany, Spain, and Ukraine is not intended to provide an exhaustive comparative analysis. Rather, these jurisdictions serve as illustrative examples of different constitutional frameworks governing academic freedom: (1) a model where academic freedom evolved primarily through judicial interpretation of the First Amendment, without explicit constitutional recognition as a separate right (United States); (2) a system with a clear constitutional guarantee that includes loyalty clauses (Germany); (3) a framework combining free speech, university autonomy, and emergency restrictions (Spain); and (4) a post-Soviet constitutional system operating in a war-torn context (Ukraine). These examples demonstrate how constitutional design and political context shape the scope and limitations of academic freedom.

Many constitutions contain explicit or implicit protections related to academic freedom, yet comparative research shows that such protections are far from universal (Spannagel 2024). In the United States, academic freedom developed primarily through judicial interpretation of the First Amendment, which provides that "Congress shall make no law abridging the freedom of speech." Although the US Constitution does not explicitly mention academic freedom, the Supreme Court gradually recognized it through landmark cases (Lewis 2022).

The courts largely shaped the US concept of academic freedom. In *Sweezy v. New Hampshire* (US Supreme Court 1957), the Court addressed a state attorney general's attempt to interrogate a university professor regarding his lectures and political affiliations. The Court concluded that such interference seriously threatened the university's essential freedoms, including the right to determine who may teach, what may be taught, how instruction is conducted, and who may study. While the Court did not explicitly recognize academic freedom as an independent constitutional right, this ruling established the unique constitutional position of academic research. Subsequent rulings reinforced this approach. In *Keyishian v. Board of Regents*, the Supreme Court declared that academic freedom is a "special concern of the First Amendment," invalidating the requirement that university teachers take a loyalty pledge. These cases illustrate that in the United States, the protection of academic freedom relies more on judicial interpretation of broad free speech principles than on explicit constitutional provisions.

In contrast, academic freedom is codified differently in other jurisdictions. For example, Article 5(3) of Germany's Basic Law guarantees that instruction, research, and the arts and sciences are free. However, this independence is coupled with a duty to uphold the constitution (German Bundestag 1949). The German constitutional model thus combines explicit protection

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of academic freedom with loyalty requirements, demonstrating that safeguards for democratic governance can coexist with institutional autonomy and individual rights.

The Federal Constitutional Court of Germany (Bundesverfassungsgericht) has played a central role in interpreting the constitutional right to academic freedom. In its 24 April 1996 ruling (1 BvR 712/86), concerning a university professor's disciplinary accountability for remarks made in an academic setting, the Court highlighted the scope and importance of academic freedom (Federal Constitutional Court 1996). It emphasized that conducting research and teaching, as well as publicly communicating scholarly ideas arising from academic work, are protected under Article 5(3) of the Basic Law. The Court stressed that the ability to express controversial or critical viewpoints is essential for scientific progress, and state authorities must exercise particular caution when evaluating statements made during academic discussions. At the same time, the Court clarified that academic freedom does not exempt scholars from all legal obligations; state intervention may be warranted when academic remarks exceed the bounds of scholarly discourse and infringe upon the rights of others or violate general laws.

Another landmark ruling, the Juniorprofessor case of 27 July 2004 (2 BvF 2/02), addressed the institutional dimension of academic freedom (Federal Constitutional Court 2004). The case involved a federal statute that replaced the traditional Habilitation requirement for professorships with a new academic career model. Several German states challenged the law, claiming federal overreach. Although the Court ultimately overturned the statute on federalism grounds, it reaffirmed key principles regarding academic freedom under Article 5(3) of the Basic Law. The Court emphasized that academic freedom encompasses both the institutional structures governing research and instruction and the individual rights of scholars. Consequently, academic freedom can be shaped by regulations governing appointments, academic careers, and university administration. These rulings illustrate how Germany's constitutional framework protects both individual intellectual endeavor and the systemic conditions of academic labor.

In Spain, the 1978 Constitution guarantees freedom of expression (Art. 20), academic freedom (Art. 20(c)), freedom of teaching (Art. 27(1)), and university autonomy (Art. 27(10)), while permitting limitations only to protect the rights of others or the interests of the State—such as honour, privacy, reputation, and the protection of minors—through legally established procedures (Art. 20(4–5)) (Cortes Generales 1978). Spanish constitutional jurisprudence has primarily addressed academic freedom through interpretations of freedom of expression and university autonomy. In the Constitutional Court ruling STC 146/1987, the Court underscored that academic freedom protects university teachers' ability to formulate and express scholarly opinions without undue interference from public authorities (Spanish Constitutional Court 1987). The Court emphasized that universities must remain spaces of intellectual diversity where competing scientific viewpoints can be expressed. At the same time, Spanish law recognizes that academic freedom may be restricted when it conflicts with other fundamental rights, such as the protection of honour, privacy, or public order. This jurisprudence demonstrates that academic freedom in Spain operates within a broader constitutional framework that balances competing rights and societal interests.

Political disputes at universities and corresponding court rulings have tested academic freedom in Spain. One prominent example involves debates over political participation and freedom of expression on college campuses during the Catalan independence movement. In

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2017, several Spanish universities issued statements affirming academic freedom and the right to political expression in the classroom amid the Catalan constitutional crisis. These controversies raised questions about whether universities can adopt political stances or whether such expressions exceed the autonomy permitted under Article 27(10) of the Spanish Constitution (Senado de España). The disputes, which resulted in litigation and administrative challenges, highlight a fundamental tension in the Spanish model. While academic freedom is constitutionally guaranteed, its practical implementation may conflict with the neutrality expected of public institutions. Courts are sometimes required to balance universities' autonomy with the constitutional obligation of public institutions to serve all citizens, regardless of political beliefs (Carranza Galaico 2024).

In Ukraine, academic freedom is protected under Articles 34 and 54 of the Constitution. Article 34 guarantees freedom of thought and speech, including the expression of personal views and beliefs. In contrast, Article 54 ensures freedom of literary, artistic, scientific, and technical creativity, alongside the protection of intellectual property and associated moral and material rights (Verkhovna Rada of Ukraine 1996). The concept of academic freedom is further elaborated in Article 1(1.3) of the Law on Higher Education, which defines it as the independence and autonomy of participants in the educational process in conducting teaching, research, and innovation. These rights are exercised in accordance with the principles of freedom of expression and creativity, dissemination of knowledge, and application of research results, while remaining subject to limitations established by law (Verkhovna Rada of Ukraine 2014).

Ukrainian legislation explicitly sets boundaries on these freedoms, including national security, public order, and health considerations (Verkhovna Rada of Ukraine 1996). These restrictions have gained particular importance in light of ongoing armed aggression against Ukraine. Since the imposition of martial law in 2022 following Russia's full-scale invasion, the practical implementation of constitutional protections for academic freedom has been significantly affected (Verkhovna Rada of Ukraine 2022). Wartime legislation has altered university governance and imposed restrictions on certain forms of international collaboration. Even when such activities remain constitutionally permissible under provisions on public order and national security, they pose complex challenges for maintaining academic autonomy while addressing pressing security concerns.

Political and security conditions significantly influence the practical scope of academic freedom. In Ukraine, public debates over university restructuring in conflict-affected areas and the suspension of cooperation with organizations linked to the aggressor state illustrate this impact. The exercise of academic freedom is inevitably constrained by martial law, and while such restrictions are justified under international law, they carry an increased risk of expansive or arbitrary interpretation. The Ukrainian case, therefore, highlights the tension between safeguarding democratic order and maintaining academic independence amid existential threats.

By contrast, New Zealand provides a constructive example of direct legal protection for academic freedom. Unlike systems that rely primarily on general constitutional guarantees, New Zealand enshrines academic freedom in specific legislation. Article 267 of the Education and Training Act (2020) explicitly recognizes the freedom of teachers and students to challenge established views, propose new ideas, and express unpopular or controversial positions. The

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legislation further defines universities as the "critic and conscience of society," emphasizing their public role in fostering democratic discourse. This approach strengthens the practical protection of academic freedom and provides a clear framework for its implementation (see Table 1).

Table 1: Constitutional Models and Limits of Academic Freedom (Source: Authors' depiction)

Jurisdiction	Constitutional Basis	Model of Protection	Explicit Grounds for Limitation	Structural Implications for Academic Freedom
USA	First Amendment (freedom of speech); no explicit reference to academic freedom.	A judicially constructed doctrine developed through Supreme Court case law.	General Limitations under the First Amendment	Academic freedom is derivative of the free speech doctrine and lacks autonomous constitutional status; its protection depends on judicial balancing tests.
Germany	Basic Law, Article 5(3): "Arts and sciences, research and teaching shall be free."	An explicit constitutional guarantee combined with a constitutional loyalty clause.	Loyalty to the constitutional order; forfeiture under Article 18 for abuses against the democratic order.	Strong textual protection coexists with structured democratic-order safeguards; academic freedom is autonomous but conditioned by constitutional identity.
Spain	Constitution, Articles 20 (freedom of expression), 27 (education and autonomy), and 55 (state of emergency).	An integrated model combining freedom of expression, academic freedom, and university autonomy.	Protection of honor, privacy, and youth; statutory limitations; suspension during a state of emergency.	Academic freedom is constitutionally recognized but vulnerable to suspension during emergencies; it illustrates the interaction between autonomy and constitutional emergency powers.
Ukraine	Constitution, Articles 34 (freedom of expression) and 54 (creativity); Law on Higher Education, Article 1(1.3).	A hybrid model: general guarantees of freedom of expression combined with statutory academic autonomy.	National security, territorial integrity, public order, health, reputation, and confidentiality; martial law regime.	Academic freedom is formally protected but highly susceptible to security-based restrictions during wartime; it demonstrates the risk of expansive interpretation under existential threats.
New Zealand	Education and Training Act 2020, Article 267: "Academic freedom and the institutional autonomy of institutions."	A direct legislative definition of academic freedom and university autonomy.	General legal restrictions; no specific constitutional "emergency" model.	A clear normative definition of academic freedom, including the university's role as the "critic and conscience of society," ensures an autonomous and operationalized legal status.

A comparative analysis demonstrates that constitutional protections alone do not determine the practical strength of academic freedom. Judicial practice can provide substantial safeguards even in the absence of explicit legislative recognition, as in the United States. In systems with specific constitutional guarantees, such as Germany, restrictions are sometimes

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imposed to ensure adherence to constitutional norms and the broader democratic order. Spain illustrates how academic freedom functions within a larger constitutional framework that balances competing rights, institutional autonomy, and freedom of expression. Ukraine shows how political conditions can shape the real-world implementation of academic freedom. Taken together, these cases highlight the interplay of judicial interpretation, political context, and legal provisions in determining the effectiveness of constitutional protections.

The effectiveness of judicial review and the constitutional recognition of academic freedom are critical factors. When academic freedom is not explicitly acknowledged as a distinct right, it often relies on broader principles, such as freedom of expression or national security. Article 10(2) of the European Convention on Human Rights allows such limitations to protect individuals and society. However, some constitutional restrictions, particularly those related to public order and national security, can be interpreted expansively, placing undue pressure on academic institutions and researchers.

Historical experience shows that academic independence has never been absolute (Byrkovych et al. 2023). Contemporary restrictions are often enforced through commercialization or regulatory frameworks, rather than by religious or governmental authority as in the past (Lynovytska 2011). This underscores the importance of clearly defining the legal status of academic freedom. State constitutions may provide rational limitations, but these should not serve as a basis for discrimination against scholars. The explicit legislative enshrinement of academic freedom establishes a firm foundation for its protection, including judicial safeguards. In its absence, protection depends on general legal principles, leaving academic freedom formally recognized yet practically vulnerable due to gaps between international standards and national implementation.

DISCUSSION

Research indicates that the primary obstacle to academic independence is not conceptual uncertainty but rather the structural characteristics of the international legal system. While academic freedom is widely recognized in international declarations, recommendations, and regional agreements, its legal status largely depends on more general human rights guarantees, such as freedom of expression, the right to education, and freedom of scientific research (Özmen 2024). The derivative nature of this right explains variations in interpretation and uneven effectiveness across legal systems.

The study also highlights a persistent gap between legal guarantees and their practical implementation. Constitutional or statutory recognition does not automatically ensure that academic freedom can be exercised in practice. In many countries, restrictions on public order, national security, or emergency powers substantially constrain academic freedoms. These examples demonstrate that the mere existence of legal guarantees is not the decisive factor; rather, the strength of institutional safeguards and the precision of legal language, which prevent excessive expansion of restrictions, are more important. This aligns with research showing that contemporary limitations on academic freedom often arise from legal frameworks that subtly narrow scholars' autonomy, rather than from explicit prohibitions.

The complexity of legal protection for academic freedom presents another significant challenge. Although regional systems offer interpretive guidance, international agreements

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generally provide only broad normative standards. The primary responsibility for implementation rests with national legal systems. This multi-level governance structure produces complex interactions between international norms and domestic constitutional traditions. On one hand, it allows countries to tailor protections to their historical and institutional contexts; on the other hand, it results in substantial variation in the level of protection afforded to academics across different jurisdictions (Koskenniemi 2005).

The absence of a comprehensive, legally binding international treaty on academic freedom reflects broader institutional and political constraints in international law. These constraints are closely linked to the political role of universities in modern states. The legal status of academic freedom is therefore not merely a matter of conceptual ambiguity in international law; it also illustrates how structural political incentives shape state behavior in higher education governance (Altbach 2001). Historically, universities have served not only as educational institutions but also as centers of intellectual critique, political debate, and elite training. Consequently, governments have often been reluctant to recognize academic freedom as a distinct, internationally guaranteed right. Experts in international law and higher education governance note that states frequently preserve regulatory flexibility in areas that influence public discourse and political legitimacy (Darian-Smith 2025).

From the perspective of political realism, states tend to adopt legal frameworks that indirectly protect academic activities through general rights, such as the right to education or freedom of expression, rather than through specialized international treaties that would impose strict limits on state authority. Karran and Mallinson (2017) observe that nations retain discretion to balance academic autonomy with competing objectives, including national security, ideological stability, and the strategic direction of research policy. Accordingly, the fragmented legal framework governing academic freedom should be understood both as a normative gap and as a product of deliberate institutional design, reflecting the continued political sensitivity of universities within national governance systems.

The findings of this study confirm that academic freedom occupies a unique position within the broader system of international human rights law. Unlike many other rights, its effective protection relies not only on individual legal remedies but also on institutional conditions that enable universities to function as independent centers of knowledge creation. Academic freedom thus extends beyond the personal autonomy of scholars; it serves as a structural guarantee that allows academic institutions to fulfill their social functions, particularly the generation of critical knowledge and participation in public debate. In today's environment of political polarization, geopolitical conflict, and the commercialization of research, academic freedom safeguards the integrity of science and the independence of academic institutions. It should be recognized as a foundational element of higher education governance and democratic systems, requiring both a clear legal status and supportive institutional conditions.

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CONCLUSION

Academic freedom remains a foundational principle for the functioning of higher education and the development of democratic societies. This analysis demonstrates that academic freedom should be understood as a multidimensional phenomenon situated at the intersection of political governance, legal regulation, and the human dimension of intellectual activity. Its protection is essential for safeguarding the independence of scientific research, fostering critical thinking, and generating knowledge that benefits society as a whole. The study confirms that international legal instruments recognize academic freedom primarily as a derivative component of broader human rights frameworks, including freedom of expression, the right to education, and cultural rights. However, current international regulation remains fragmented and largely declarative. While numerous legal instruments emphasize the importance of academic freedom, they rarely provide clear and binding mechanisms to ensure its protection. Consequently, the practical exercise of academic freedom depends largely on national legal systems and the prevailing political context.

This study highlights a significant gap between normative recognition and practical implementation. Although many states formally enshrine academic freedom in constitutional or legislative frameworks, its effective protection is often constrained by political pressures, institutional governance practices, and broader socio-political dynamics. In this context, academic freedom should be regarded as a complex institutional and cultural practice that requires ongoing support from both state institutions and academic communities.

The primary contribution of this study lies in its integrated approach, analyzing academic freedom through the combined lenses of politics, law, and the human dimension. This perspective offers a more comprehensive understanding of the factors shaping its protection and implementation. It allows for a nuanced interpretation of academic freedom as a dynamic institution influenced by legal norms, political conditions, and internal university governance.

The findings have implications for both international and national legal frameworks. At the international level, there is a clear need for a more coherent and structured system of legal guarantees. Future efforts could focus on strengthening international standards and developing legal instruments specifically dedicated to academic freedom. At the national level, states should prioritize institutional mechanisms that ensure the practical exercise of academic freedom, rather than relying solely on formal legislative recognition. Such mechanisms may include transparent governance structures, robust protection of academic autonomy, and the promotion of a culture that values intellectual independence and critical inquiry.

Beyond legal reform, academic freedom is vital as a foundation for democratic dialogue, scientific advancement, and social development. In an era marked by political polarization, technological transformation, and global crises, safeguarding academic freedom is crucial to maintaining an open intellectual environment where new ideas can flourish and societal challenges can be critically examined.

Despite the integrated approach adopted in this study, several limitations should be acknowledged. First, the research focuses primarily on the legal and conceptual dimensions of academic freedom and does not include extensive empirical analysis of its practical implementation across diverse national contexts. Therefore, conclusions are largely based on interpretations of international legal documents, academic literature, and selected illustrative

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examples. Second, the study employs a predominantly normative and analytical perspective, which may limit its capacity to capture the diversity of institutional practices in universities worldwide. Academic freedom is shaped not only by formal legal frameworks but also by institutional culture, governance models, and political environments, which can vary considerably between countries and regions. Finally, the multidimensional nature of academic freedom means that certain aspects, such as the impact of digital technologies, economic pressures on higher education, and geopolitical dynamics, cannot be explored in depth within the scope of this article.

Subsequent studies could expand on the concept of academic freedom by examining the interactions among global governance mechanisms, national legal systems, and institutional university policies. Such research could contribute to the development of more effective strategies to protect academic freedom in a complex, rapidly evolving global academic environment.

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Liliana Tymchenko: conceptualization, methodology, software, resources, supervision. **Rostyslav Shchokin:** formal analysis, validation, investigation, writing – review and editing, and funding acquisition. **Serhii Baranov:** formal analysis, data curation, writing – original draft, visualization, project administration.

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Electoral Dispute Management and Substantive Political Liberty: A Comparative Study of Albania and Kosovo

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Abstract
This study explores the relationship between electoral dispute management and substantive political liberty in Albania and Kosovo by developing and applying the Electoral Dispute Management Performance Index (EDMPI). While scholarship on electoral integrity often emphasizes administration and monitoring, it has paid limited attention to institutions that adjudicate electoral disputes and their impact on political freedoms. The EDMPI assesses key dimensions, independence, procedural fairness, accessibility, transparency, timeliness, and enforceability, to evaluate the capacity of dispute resolution bodies to protect citizens' political rights. Using structured qualitative coding of legal frameworks, observation reports, and institutional decisions, the study finds that, although formal compliance with international standards is high, differences in institutional independence, transparency, and public trust shape the extent to which electoral processes safeguard substantive political liberty.

Keywords
Electoral Dispute Management; Political Liberty; Institutional Performance; Electoral Integrity; Rule of Law; Albania; Kosovo

INTRODUCTION

The legitimacy of elections depends not only on voting but also on how disputes that arise before, during, and after elections are handled. Electoral complaint mechanisms serve as essential guarantees of justice and legal certainty for both political actors and citizens. Albania and Kosovo, two emerging democracies in Southeastern Europe, present distinct models of complaint resolution: Albania employs a combined administrative and judicial system, while Kosovo relies on the Electoral Complaints and Appeals Panel (ECAP), a specialized, centralized body.

International and domestic observers of elections in both countries have assessed the advantages and shortcomings of these complaint systems. Their reports consistently emphasize the need for reforms and recommend specific areas for review. To support the development of effective electoral complaint systems in Albania and Kosovo, this study employs a comparative analysis of the two systems. It assesses the alignment of national legislative solutions with EU standards, using the Electoral Dispute Management Performance Index (EDMPI) as a quantitative, empirical tool.

This paper addresses a central question in electoral governance: how effectively do electoral dispute resolution institutions safeguard electoral integrity and democratic accountability in emerging democracies? It argues that the credibility of elections depends not only on the conduct of voting but also on the effectiveness, independence, and transparency of

institutions responsible for resolving disputes. By comparing Albania and Kosovo, the study demonstrates that differences in institutional design and perceived independence critically shape the effectiveness of dispute resolution mechanisms in protecting electoral rights, upholding the rule of law, and ensuring substantive political liberty.

LITERATURE REVIEW

The study of electoral integrity has increasingly emphasized the importance of institutional mechanisms that safeguard electoral rights throughout the electoral cycle (Norris, 2014). Among these mechanisms, electoral dispute-resolution bodies play a central role, providing formal channels for challenging and remedying electoral violations. By ensuring that electoral rules are enforced and grievances adjudicated, these institutions enhance the credibility of electoral processes and sustain public confidence in democratic competition (Birch 2011). Their effectiveness, however, depends not only on formal legal frameworks but also on how key institutional principles, such as independence, fairness, and transparency, are defined, operationalized, and perceived.

These concepts are not self-evident and have been widely debated in democratic theory. Institutional independence, for example, extends beyond the absence of formal political control. As O'Donnell (2004) argues, independence must be understood as a multidimensional concept encompassing autonomy from political parties, insulation from executive influence, and protection from economic or societal pressures. In the context of electoral dispute resolution, independence refers to the capacity of adjudicating bodies to render decisions free from partisan interference while remaining accountable to constitutional and legal norms. This dual requirement, autonomy combined with accountability, positions such institutions as key components of horizontal accountability within democratic systems.

The concept of fairness is similarly complex. From a procedural perspective, fairness implies the impartial and consistent application of legal rules, ensuring equal treatment of all electoral actors. From a substantive perspective, fairness is linked to the broader goal of ensuring that electoral outcomes reflect voters' genuine preferences (Rawls 1971; Dahl 1971). Electoral dispute resolution bodies operate at the intersection of these dimensions: they must guarantee due process while also contributing to the legitimacy of electoral outcomes. Weaknesses in either dimension, procedural inconsistency or perceived bias, can undermine trust in both the dispute mechanism and the electoral process itself.

Transparency constitutes another foundational principle of institutional credibility. Transparent procedures enable stakeholders to observe how decisions are made and to evaluate whether legal standards are applied consistently. In democratic governance, transparency is closely linked to accountability, as it requires institutions to justify their actions and remain open to scrutiny (Przeworski 2010). International standards reinforce this connection. The Council of Europe (2020) emphasizes that electoral complaint systems should be transparent, accessible, and understandable, with decisions made publicly available to ensure accountability, while balancing the need for confidentiality during deliberation. In practice, transparency involves not only open hearings but also systematic publication of decisions, clear legal reasoning, and accessible documentation.

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Beyond these core principles, the literature highlights an important debate regarding the relative importance of formal institutional design versus informal political dynamics. Institutionalist approaches stress the role of legal frameworks, organizational structures, and procedural rules in shaping outcomes. From this perspective, the effectiveness of electoral dispute resolution systems depends on clearly defined mandates, independent appointment procedures, and enforceable decisions. As Kadagidze and Tskhakaia (2019) note, the prevention and resolution of electoral disputes through transparent and timely legal mechanisms is essential for democratic consolidation.

However, alternative perspectives emphasize the role of informal institutions, including political culture, elite bargaining, and patronage networks (Helmke & Levitsky 2006). In transitional democracies, formal rules may coexist with informal practices that undermine institutional autonomy or shape the implementation of legal provisions. This tension is particularly relevant in the Western Balkans, where external actors have often driven institutional reforms but operate within entrenched political dynamics. As a result, the formal existence of independent dispute resolution bodies does not necessarily guarantee their effective functioning in practice.

Recent empirical research further highlights the importance of electoral dispute mechanisms for both institutional performance and public perceptions. Högström and Jerhov (2023) demonstrate that electoral complaints serve not only a corrective function, addressing specific violations, but also a diagnostic function by revealing systemic weaknesses in electoral administration. Similarly, Schnaudt (2024) shows that public evaluations of electoral integrity are closely linked to perceptions of the effectiveness of compliance and enforcement mechanisms, suggesting that credible dispute-resolution processes directly influence trust in elections.

In the regional context, existing scholarship provides important but limited insights. Kume (2022) examines the alignment of Albania's electoral dispute framework with international standards, while Sqapi and Mile (2022) highlight how party patronage and state capture can undermine institutional effectiveness. Studies on Kosovo remain comparatively scarce. Brancati (2014) demonstrates that electoral monitoring can enhance citizens' perceptions of electoral integrity, while Matias (2021) explores electoral system reforms and their implications for dispute resolution. Reports by international organizations, including ENEMO (2011) and the European Union Election Observation Mission (2025), provide valuable empirical assessments of electoral processes, including complaint mechanisms, but are not designed as systematic comparative analyses.

Within the broader Western Balkan context, countries such as North Macedonia, Montenegro, and Serbia exhibit similar challenges, including politicized appointments, limited institutional autonomy, and uneven transparency practices. However, variation across cases suggests that institutional design and implementation can produce different outcomes even within similar regional conditions. Situating Albania and Kosovo within this regional pattern clarifies that their divergence is not inevitable but reflects specific institutional choices and political dynamics.

A critical perspective within the literature also questions the universality of international electoral standards. Organizations such as OSCE/ODIHR, the Venice Commission, and International IDEA provide widely used benchmarks for assessing electoral processes. While these frameworks promote democratic norms, some scholars argue that they reflect the

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assumptions of liberal democratic models developed in Western contexts (Carothers 2002). This critique highlights the need to interpret empirical findings with sensitivity to local political and institutional contexts.

The relationship between electoral dispute management and substantive political liberty provides an important theoretical anchor for this study. Substantive political liberty refers to citizens' effective ability to exercise political rights, including voting, contesting elections, and challenging irregularities. These rights depend not only on formal guarantees but also on the existence of institutions capable of enforcing them (O'Donnell 2004). Electoral dispute resolution bodies contribute to this process by providing legal remedies for violations, thereby reinforcing the rule of law and democratic accountability. Where such mechanisms are weak, inaccessible, or perceived as biased, the effective exercise of political rights may be constrained.

Building on this literature, the present study contributes in several ways. First, it addresses a gap in comparative research by focusing specifically on electoral dispute management institutions, which have received less systematic attention than other components of electoral governance. Second, it introduces the Electoral Dispute Management Perceptions Index (EDMPI). This composite framework operationalizes key institutional dimensions, independence, fairness, transparency, effectiveness, non-political influence, timeliness, and public trust, through a structured coding approach. Third, it provides new empirical insights into the Western Balkan region by comparing Albania and Kosovo, highlighting both shared challenges and divergent institutional trajectories.

Finally, by linking institutional performance to broader debates on the rule of law and democratic legitimacy, the study bridges normative and empirical approaches to electoral governance. It demonstrates that effective electoral dispute resolution is not merely a technical requirement but a central component of democratic systems, shaping both the enforcement of electoral rules and the credibility of political competition.

METHODOLOGY

Methods

This study employs a comparative mixed-methods design, combining doctrinal legal analysis with an original quantitative perception-based tool, the Electoral Dispute Management Perceptions Index (EDMPI), to assess and compare the performance of electoral dispute resolution mechanisms in Albania and Kosovo. This approach allows for both a detailed examination of legal frameworks and an empirical evaluation of how institutions are perceived to function in practice.

Conceptual Research Model

The conceptual research model (see Figure 1) illustrates the theoretical mechanism linking the Electoral Dispute Management Perceptions Index (EDMPI) to broader democratic outcomes. Effective electoral dispute resolution institutions reinforce the rule-of-law framework governing elections. This institutional robustness enhances electoral integrity by ensuring that violations of electoral rights are addressed through impartial and timely adjudication. In turn,

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credible and well-functioning electoral processes enable citizens and political actors to exercise their political rights effectively, thereby supporting substantive political liberty.

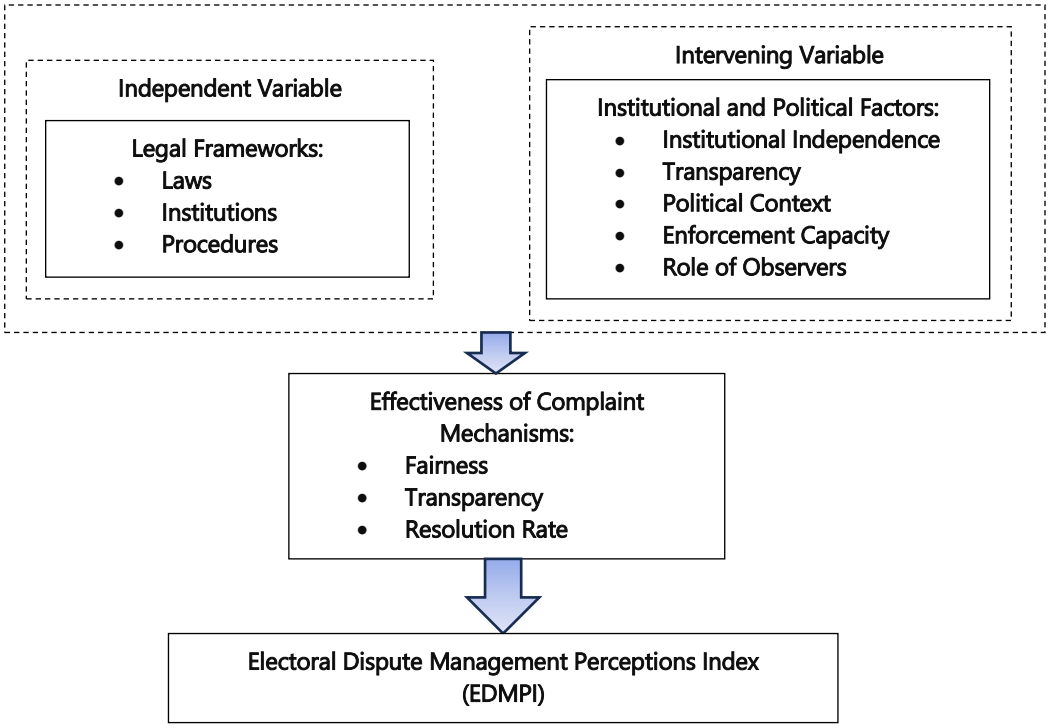

Figure 1: Conceptual Research Model (Source: Authors' depiction)

Document Analysis and Comparative Approach

The study follows a structured comparative approach:

1. Legal and Institutional Review – Examination of constitutional provisions, electoral codes, and administrative procedures regulating electoral complaints in Albania and Kosovo.
2. Institutional Competencies – Analysis of the roles and functions of the Complaints and Sanctions Commission (CSC) in Albania and the Election Complaints and Appeals Panel (ECAP) in Kosovo.
3. Comparative Assessment – Identification of convergences and divergences in electoral dispute resolution practices between Albania and Kosovo based on the analysis of complaints during the most recent elections.

Empirical Contextualization

Findings are triangulated by cross-checking multiple sources, including reports from international observation missions (OSCE/ODIHR, EU Election Observation Mission, ENEMO), domestic NGOs, and investigative journalism. This process evaluates how legal provisions function in practice and the extent to which formal rules translate into effective institutional performance.

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The Electoral Dispute Management Perceptions Index (EDMPI)

The Electoral Dispute Management Perceptions Index (EDMPI) is designed to measure the institutional dimensions that protect political freedom to vote and be elected. The index evaluates key aspects of electoral dispute mechanisms, including independence, impartiality, accessibility, transparency, effectiveness, non-political influence, timeliness, and public trust. Each indicator is scored on a standardized 0–100 scale, with higher scores reflecting stronger alignment with internationally recognized democratic standards for electoral dispute resolution. High EDMPI performance indicates that electoral actors have credible institutional channels to defend their political rights and contest alleged irregularities. Conversely, weak dispute resolution systems may allow electoral violations to persist without remedy, undermining citizens' ability to exercise political freedoms. From this perspective, the quality of electoral dispute management directly impacts the realization of substantive political liberty (Diamond & Morlino 2005).

The scoring process relies on documentary analysis of multiple evidence sources, including election observation reports, legal and regulatory frameworks governing electoral dispute procedures, judicial decisions on electoral complaints, and reports from international organizations and domestic monitoring groups. In particular, the analysis draws extensively on reports produced by the OSCE and its election-monitoring body, ODIHR, which provide systematic assessments of electoral administration and dispute-resolution processes.

The value of EDMPI is calculated as the average of the values of seven indicators: I1-Independence of Institutions, I2 - Fairness of Decisions, I3-Transparency of the Process, I4-Effectiveness of the Appeal Mechanism, I5-Non-Political Influence, I6-Timeliness of Resolution and I7-Impact on Public Trust. Each indicator I_j is measured on a 0-100 scale.

The EDMPI value for the country is calculated as the weighted mean of its seven indicators:

$$EDMPI = \sum_{i=1}^{7} w_i [\sum_{j=1}^{n_j} I_{ij} \, / n_{ij}]$$

With: $\sum_{i=1}^{7} w_i = 1$

Unless otherwise specified, equal weights (w_i=1/7) are applied. The decision to apply equal weighting is theoretically grounded in the multidimensional understanding of electoral integrity. Contemporary scholarship conceptualizes electoral integrity as a system of interdependent institutional guarantees, in which legal independence, impartial decision-making, accessibility of complaint mechanisms, transparency, procedural timeliness, and enforceability collectively sustain trust in electoral processes (Norris 2014; Birch 2011). Because these elements function as mutually reinforcing safeguards, privileging one indicator over another would risk imposing a normative hierarchy not supported by the theoretical framework.

Moreover, equal weighting is frequently employed in composite governance indices when there is no strong theoretical or empirical basis for assigning differential importance to specific indicators (OECD 2008; Nardo et al. 2005). Using equal weights, therefore, enhances methodological transparency, cross-country comparability, and replicability, particularly in

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exploratory comparative research such as this study of electoral integrity in Western Balkan "flawed democracies."

The equal-weighting approach is also consistent with the study's conceptual structure. The seven indicators capture complementary aspects of electoral dispute management within the broader dimensions of electoral integrity, contestability, participation, deliberation, and adjudication. Each indicator represents a necessary institutional condition for effective electoral dispute resolution. Weakness in any single component, such as institutional independence, access to remedies, or timely adjudication, can undermine the overall credibility of the electoral process. Consequently, the analytical framework treats these indicators as equally essential elements of a coherent institutional system.

To evaluate the robustness of the results, a basic sensitivity check was conducted using alternative weighting assumptions. The analysis indicates that modest variations in indicator weights do not substantially alter the overall comparative pattern observed between the two cases (Appendix C).

Higher scores on EDMPI indicate stronger alignment with democratic standards of electoral dispute resolution and rule-of-law-based electoral governance.

Data, Coding, and Scoring Procedure

The primary data used in this study were collected through monitoring of the complaints process during the Parliamentary elections in Albania (May 11, 2025) and the General elections in Kosovo (February 8, 2025).

In line with the requirements of the conceptual model, the comparative analysis relies on the following data sources:

1. Constitutional and electoral legislation of Albania and Kosovo (Electoral Code of Albania, Law No. 10/019; Law on General Elections of Kosovo, No. 08/L-228).
2. Decisions of electoral dispute bodies, namely the Appeals and Sanctions Commission (ASC, Albania) and the Electoral Complaints and Appeals Panel (ECAP, Kosovo).
3. Reports of international observer missions, including OSCE/ODIHR, EU Election Observation Mission, and ENEMO (2011–2025).
4. Domestic observer reports and academic studies addressing electoral complaints and dispute resolution processes.

To ensure transparency and replicability, the operationalization of the Electoral Dispute Management Perceptions Index (EDMPI) is documented in detail in Appendix A, which presents the formal coding framework, indicator definitions, and scale anchors. Illustrative examples of coded entries, documentary evidence, and corresponding scores for Albania and Kosovo are provided in Appendix B.

The coding process followed a structured qualitative assessment of documentary evidence. Each indicator was evaluated based on data from the sources listed above. Component scores presented in the empirical tables reflect the aggregation of coded assessments across these sources.

Coding was conducted between July and September 2024. The authors performed initial coding and subsequently reviewed it by an independent researcher familiar with electoral

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governance studies. Discrepancies were resolved through discussion and re-examination of the underlying evidence to ensure accuracy.

All indicators were coded using a five-level qualitative scale, very low, low, moderate, high, very high, which was subsequently transformed into numerical values ranging from 0 to 100 for index calculation:

- 0–25: Poor performance
- 26–50: Moderate performance
- 51–75: Good performance
- 76–100: Very good performance

This standardized coding and scoring procedure allows for systematic, comparable, and empirically grounded assessment of the institutional performance of electoral dispute resolution mechanisms in Albania and Kosovo.

THEORETICAL FRAMEWORK

Electoral dispute management institutions constitute a core element of the rule-of-law architecture underpinning democratic governance. The rule of law requires that political authority be exercised in accordance with publicly known rules and that individuals have access to effective mechanisms to challenge violations of their rights (O'Donnell 2004). In electoral contexts, this implies the existence of impartial bodies capable of reviewing complaints, enforcing legal provisions, and providing remedies for electoral irregularities.

The Electoral Dispute Management Performance Index (EDMPI) operationalizes these principles by capturing key institutional dimensions that shape the effectiveness of electoral adjudication. These dimensions include institutional independence, fairness of decisions, transparency of procedures, effectiveness of appeal mechanisms, and insulation from political influence, timeliness, and impact on public trust. Together, they reflect the capacity of dispute-resolution systems to serve as credible mechanisms of accountability.

The link between EDMPI performance and political liberty can be conceptualized as a causal chain. First, independent and transparent institutions strengthen horizontal accountability by constraining potential abuses by political actors. Second, effective accountability mechanisms enhance electoral integrity by ensuring that violations can be detected, challenged, and corrected. Third, credible electoral processes enable the realization of substantive political liberty, understood as citizens' effective ability to participate in political competition and have their preferences reflected in outcomes (Dahl 1971).

At the same time, this relationship is conditional rather than deterministic. Institutional design alone does not guarantee effective performance; outcomes are also shaped by political context, including levels of polarization, elite compliance with legal rulings, and administrative capacity. Trade-offs may also emerge, particularly between the speed of adjudication and the depth or quality of legal reasoning. Accordingly, EDMPI scores should be interpreted as indicative of institutional capacity, rather than as definitive measures of democratic quality.

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RESULTS AND DISCUSSION

In Albania, the right to file electoral appeals, the procedures and deadlines for their submission, the administrative and judicial review mechanisms, the bodies responsible for handling appeals, and the rights and obligations of both the appellant and the respondent are regulated by Law No. 10019 of December 29, 2008, as amended, the Electoral Code of the Republic of Albania. The Electoral Code designates the Central Election Commission (CEC) as the central administrative authority with full powers in electoral matters. These powers include issuing administrative acts and adopting regulatory acts under which the Appeals and Sanctions Commission (ASC) reviews electoral appeals. Decisions of the ASC are binding on the CEC but may be appealed to the Electoral College of the Court of Appeal, Tirana (ECCA). The ECCA hears and adjudicates appeals against CEC decisions, including those concerning the partial or full invalidation of elections. Decisions of the ECCA are final.

In Kosovo, the Law on General Elections (Law No. 08/L-228, as amended) establishes the rules, procedures, and mechanisms for electoral complaints. The Electoral Complaints and Appeals Panel (ECAP) is the authority responsible for handling electoral complaints. The law authorizes ECAP to review complaints, issue administrative decisions, and order appropriate follow-up measures. It also specifies the deadlines for submitting and reviewing complaints. A complainant has the right to appeal an ECAP decision before the competent court.

The Electoral Dispute Management Perceptions Index (EDMPI)

For the parliamentary elections in Albania (May 11, 2025) and the general elections in Kosovo (February 8–9, 2025), the component items of the EDMPI indicators were evaluated to calculate the overall index scores. These evaluations provide empirical assessments of the performance of electoral dispute-resolution mechanisms in both countries.

Indicator: Independence of Institutions

The results for the component items of this indicator are summarized in Table 1. This analysis assesses the extent to which electoral dispute bodies in Albania and Kosovo operate independently from political influence, maintain impartiality in decision-making, and are insulated from external pressures that could compromise their adjudicatory functions.

One of the most significant areas of variation between Albania and Kosovo concerns the perceived independence of electoral dispute-resolution institutions, particularly the procedures used to appoint their members. In Albania, reliance on political party agreements to appoint members of the Appeals and Sanctions Commission (ASC) embeds partisan influence in the body's composition, thereby constraining its perceived neutrality.

Table 1: Evaluation of the Component Items of Institutional Independence (Source: Authors' compilation)

Component Items	Scores	
	ASC Albania	ECAP Kosovo
Method of Appointment of Members	20.0	67.5
Mandate and Security of Function	62.5	75.0
Budgetary Autonomy	27.5	57.5
Legal Framework for Protection	52.5	77.5

In contrast, Kosovo's model, which draws appointments from professional magistrates, creates a more legally grounded institutional profile, reinforcing trust in impartiality.

A similar structural contrast is evident in budgetary autonomy. The ASC in Albania operates under the general budget of the Central Election Commission (CEC), which limits its operational flexibility and constrains independent strategic and procedural decision-making. Kosovo's Electoral Complaints and Appeals Panel (ECAP), by contrast, benefits from a dedicated budget, allowing it to manage resources independently and strengthen its institutional autonomy.

Both countries show convergence in areas such as mandate security and legal protection, where the frameworks are relatively robust.

It is important to note that the data captured in this study reflect perceptions of institutional independence rather than direct causal mechanisms. While observation reports and legal analyses frequently highlight potential risks associated with politically negotiated appointments, the present data do not allow for a definitive causal link between appointment procedures and institutional outcomes. Differences in scores may also reflect broader contextual factors, including levels of political polarization, historical trust in public institutions, or the intensity of electoral competition during specific electoral cycles.

Nevertheless, the comparative evidence suggests that institutional arrangements perceived as providing stronger safeguards against political influence are associated with higher levels of perceived neutrality. This finding aligns with broader scholarship on democratic governance, which emphasizes the critical role of institutional autonomy in maintaining the credibility and legitimacy of adjudicating bodies.

Indicator: Fairness of Decisions

The assessment of the Fairness of Decisions indicator within the Electoral Dispute Management Perceptions Index (EDMPI) reveals clear differences between Albania's Appeals and Sanctions Commission (ASC) and Kosovo's Electoral Complaints and Appeals Panel (ECAP). These differences reflect variations in both the technical quality of adjudication and stakeholder perceptions of impartiality and procedural consistency (see Table 2).

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Table 2: Evaluation of Component Items of Decision Fairness (Source: Authors' compilation)

Component Items	Scores	
	ASC Albania	ECAP Kosovo
Basis of Law and Evidence	55.0	82.5
Legal Consistency	42.5	57.5
Respect for International Standards	60.0	75.5
Reasoning of Decisions	47.5	70.0
Opportunity for Parties to Be Heard	60.0	72.5
Citizens' Perception	30.0	50.0
Political Parties' Perception	25.0	57.5

Overall, Kosovo scores higher across most components of the Fairness of Decisions indicator, particularly in legal reasoning, evidentiary assessment, and perceived procedural fairness. While these results suggest comparatively stronger performance of ECAP, the scores should be interpreted as approximate, given their derivation from structured qualitative evaluation. In this context, only larger differences, roughly above ten points, should be considered substantively meaningful.

The first set of components, based on law and evidence, legal consistency, and reasoning of decisions, captures the technical and jurisprudential dimensions of adjudication. Albania's scores (42.5–55.0) indicate that ASC operates within a formal legal framework but faces challenges in ensuring consistent interpretation and clear articulation of reasoning. Such variability can affect the predictability of outcomes, a key element of procedural fairness. Kosovo's higher scores (57.5–82.5) suggest a stronger perceived alignment between legal provisions, evidentiary evaluation, and the justification of decisions. Nevertheless, part of this difference may reflect variations in documentation practices or the nature of available evidence, rather than purely substantive distinctions.

A similar pattern is observed in the component measuring respect for international standards, where Kosovo again performs better (75.5 compared to Albania's 60.0). This indicates that ECAP procedures are more frequently perceived as consistent with established norms governing electoral dispute resolution.

Procedural safeguards, particularly the opportunity for parties to be heard, show more moderate variation. Both institutions receive relatively solid scores (Albania: 60.0; Kosovo: 72.5), suggesting that formal guarantees of participation exist in both systems. Differences here are likely linked to implementation practices or procedural quality, rather than major legal divergences.

The largest gaps appear in perception-based indicators. Albania records low scores in citizens' perception (30.0) and political parties' perception (25.0), while Kosovo performs moderately higher (50.0 and 57.5). These results highlight significant differences in stakeholder confidence. However, such perceptions are shaped not only by institutional performance but also by broader contextual factors, including political polarization and historical trust in public institutions.

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Taken together, the findings suggest that fairness in electoral adjudication depends on both the technical quality of decision-making and the degree of public confidence in institutions. While Kosovo's ECAP is generally perceived as stronger across these dimensions, the results should be interpreted cautiously, recognizing the influence of contextual and perceptual factors beyond institutional design alone.

Indicator: Transparency of the Process

The evaluation of the Transparency of the Process indicator highlights differences in how Albania's Appeals and Sanctions Commission (ASC) and Kosovo's Electoral Complaints and Appeals Panel (ECAP) ensure the visibility and accessibility of their adjudicatory procedures (see Table 3). Transparency in electoral dispute resolution extends beyond holding open hearings; it also encompasses the availability, clarity, and accessibility of information that enables stakeholders to understand how decisions are reached, justified, and applied in practice.

Table 3: Evaluation of Component Items of Process Transparency (Source: Authors' compilation)

Component Items	Scores	
	ASC Albania	ECAP Kosovo
Publication of Decisions	45.0	77.5
Timelines	60.0	67.5
Consistency of Decisions	22.5	70.0
Quality of Legal Reasoning	27.5	80.0
Appealability	77.5	75.0
Extent of Correction by Courts	55.0	72.5
Public Access to Hearings	62.5	30.0
Public Reporting	52.5	72.5
Accessibility of Documents	52.5	65.0
Publication of Decisions	27.5	72.5

Across several core components, such as publication of decisions, consistency of decisions, quality of legal reasoning, and public reporting, Kosovo records higher scores than Albania. These results suggest that ECAP is generally perceived as providing broader and more systematic access to information regarding electoral dispute adjudication.

The most pronounced divergence appears in the publication of decisions, where Kosovo's scores (72.5–77.5) indicate relatively consistent practices in making decisions publicly available. In contrast, Albania's lower scores (27.5–45.0) point to limited or inconsistent publication practices. The availability of decisions is a central element of transparency, as it enables political actors, observers, and the public to scrutinize institutional reasoning and assess whether legal standards are applied consistently.

Substantial differences are also evident in the components measuring decision consistency and legal reasoning quality. Kosovo achieves relatively high scores (70.0 and 80.0),

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suggesting that ECAP decisions are more often perceived as structured around identifiable legal arguments and applied consistently. Albania's lower scores (22.5 and 27.5) indicate challenges in presenting clearly articulated reasoning or maintaining consistency across cases. However, these findings should be interpreted with caution, as they may partly reflect differences in documentation practices, reporting formats, or the level of detail in publicly available decisions, rather than purely substantive differences in adjudication.

Other components, such as timelines, public reporting, document accessibility, and the extent of correction by courts, show more moderate differences. Kosovo performs somewhat better across these indicators, suggesting relatively stronger practices in information management and communication with stakeholders. Albania's intermediate scores, including timelines (60.0) and document accessibility (52.5), indicate partial alignment with procedural transparency standards, though they may also reflect uneven implementation or administrative capacity constraints.

An important exception emerges in the component public access to hearings, where Albania scores higher (62.5) than Kosovo (30.0). This result suggests that ASC hearings may be more procedurally accessible to observers. However, this dimension represents only one aspect of transparency and does not compensate for lower performance in areas related to publication and decision clarity. Effective transparency requires not only open proceedings but also clear and accessible documentation that explains institutional outcomes.

The component of appealability of decisions shows similarly high scores in both systems (Albania: 77.5; Kosovo: 75.0). Given the small difference, this should not be interpreted as substantively meaningful. Rather, it indicates that both systems formally provide mechanisms for challenging decisions, thereby constituting an important safeguard within electoral dispute-resolution frameworks.

The findings suggest that Kosovo's ECAP is generally perceived as operating with higher procedural transparency, particularly in the publication and justification of decisions. At the same time, transparency varies across components in both systems, reflecting differences not only in institutional design but also in administrative capacity, documentation practices, and broader political context. Strengthening publication practices, improving legal reasoning, and enhancing access to institutional documentation could further reinforce the credibility and accountability of electoral dispute management in both countries.

Indicator: Effectiveness of the Appeal Mechanism

Table 4 presents the component scores for Albania's Appeals and Sanctions Commission (ASC) and Kosovo's Electoral Complaints and Appeals Panel (ECAP). This indicator assesses the capacity of electoral dispute-resolution bodies to process complaints efficiently, implement decisions, and ensure meaningful remedies for violations of electoral rights. Effectiveness reflects both the procedural functionality of the institution and its ability to translate adjudicatory outcomes into practical enforcement, thereby contributing to electoral integrity and public confidence in the system.

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Table 4: Evaluation of Component Items of Appeal Mechanism Effectiveness (Source: Authors' compilation)

Component Items	Scores	
	ASC Albania	ECAP Kosovo
Clarity of the Legal Framework	52.5	80.0
Levels of Appeal	50.0	75.0
Competencies of Institutions	42.5	80.0
Timelines	67.5	45.0
Effectiveness of the Decision	35.0	65.0
Consistency of Decisions	42.5	60.0
Legal Reasoning	45.0	75.0
Trustworthiness of Political Actors	17.5	50.0
Citizens' Perception	30.0	62.5
Assessment by Monitors	55.0	77.5

Across several components, including clarity of the legal framework, institutional competencies, legal reasoning, and perception-based indicators, Kosovo records higher scores than Albania. These results suggest that ECAP is generally perceived as operating within a more clearly defined institutional and legal framework for the adjudication of electoral appeals.

In particular, the component related to the clarity of the legal framework shows a substantial difference between the two systems (Kosovo: 80.0; Albania: 52.5). A clearly articulated legal mandate helps stakeholders understand procedural rules, institutional competencies, and available remedies, thereby contributing to more predictable dispute-resolution processes. Albania's lower score may indicate that relevant provisions are fragmented or less clearly articulated in the available legal and procedural documentation.

Similarly, components related to levels of appeal and institutional competencies display notable differences. Kosovo's higher scores (75.0 and 80.0, respectively) suggest that ECAP is perceived as possessing clear institutional authority and well-defined appellate procedures. Albania records lower scores in these areas (50.0 and 42.5), reflecting perceptions that the appellate framework is less structured or that competencies are distributed across institutions, thereby reducing clarity. These differences, however, should not be interpreted as direct evidence of institutional incapacity; they may also reflect variations in legal drafting, procedural documentation, or reporting practices in observation reports.

An interesting contrast appears in the timelines component, where Albania scores higher (67.5) than Kosovo (45.0). This suggests that Albania's appeal procedures may operate within tighter procedural deadlines or resolve cases more rapidly. At the same time, the effectiveness of an appellate system depends not only on speed but also on the clarity, authority, and consistency of decisions. Kosovo's lower score in this dimension may reflect longer procedural timelines associated with more extensive legal review or differences in case complexity during the observed electoral cycle.

Other components related to the effectiveness, consistency, and legal reasoning of decisions show larger differences in favor of Kosovo. ECAP records higher scores across these

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dimensions (60.0–75.0), suggesting that its decisions are perceived as more consistently grounded in identifiable legal reasoning and applied more uniformly across cases. Albania's lower scores (35.0–45.0) may indicate that publicly available decisions provide less detailed legal justification or exhibit greater variation in the interpretation of legal provisions. These patterns should be interpreted cautiously, as differences may also reflect the types and complexities of the disputes examined or variations in documentation practices.

The indicator also includes several perception-based components, such as the trustworthiness of political actors, citizens' perceptions, and election monitors' assessments. In these areas, Kosovo records substantially higher scores than Albania, suggesting differing levels of stakeholder confidence in the appellate process's credibility. It is important to note, however, that a wide range of contextual factors beyond institutional design, including political polarization, historical trust in public institutions, and the broader electoral environment, shape perception-based indicators.

From a broader institutional perspective, effective electoral appeal mechanisms constitute a critical component of the rule-of-law architecture that underpins democratic governance and safeguards substantive political liberty. Appellate procedures provide legal avenues for electoral actors to challenge decisions and seek remedies when electoral rights are perceived to be violated. When appeal mechanisms operate with clear legal mandates, consistent reasoning, and accessible procedures, they strengthen the protection of political rights and reinforce horizontal accountability within the electoral system. Conversely, when stakeholders perceive appellate institutions as lacking clarity, authority, or consistency, the willingness of actors to rely on legal remedies may decline, potentially shifting disputes into political or extra-institutional arenas.

Taken together, the comparative results suggest that Kosovo's ECAP is generally perceived as operating within a more structured and credible appellate framework across several EDMPI dimensions. At the same time, Albania demonstrates relatively stronger performance in procedural timelines, suggesting that its dispute resolution processes may operate more quickly in certain respects. These findings underscore that the effectiveness of appeal mechanisms is multidimensional, encompassing not only the speed of procedures but also the clarity of legal mandates, the consistency of decisions, and stakeholder confidence.

The analysis highlights that strengthening electoral appeal mechanisms requires attention to both institutional design and procedural practice, including clearer legal frameworks, consistent legal reasoning, accessible documentation, and transparent communication with stakeholders. Improvements in these areas may enhance the credibility of dispute resolution systems and reinforce the broader role of electoral justice institutions in safeguarding democratic processes.

Indicator: Non-Political Influence

Table 5 presents the component scores for the Non-Political Influence indicator for Albania's Appeals and Sanctions Commission (ASC) and Kosovo's Electoral Complaints and Appeals Panel (ECAP). This indicator assesses the extent to which electoral dispute-resolution institutions are shielded from political interference through a combination of legal safeguards, institutional design, and stakeholder perceptions.

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Non-political influence is a critical dimension of institutional credibility, as it shapes both the actual independence of decision-making and the perceived impartiality of electoral adjudication. High scores on this indicator indicate that institutions can operate autonomously, free from partisan pressure or undue influence from political elites. In contrast, low scores may signal vulnerabilities that could undermine trust in electoral dispute resolution and, by extension, the broader electoral process.

Table 5: Evaluation of Component Items of Non-Political Influence (Source: Authors' compilation)

Component Items	Scores	
	ASC Albania	ECAP Kosovo
Legal Guarantees for Independence	52.5	80.0
Method of Appointing Members	12.5	70.0
Mandate and Security of Tenure	57.5	75.0
Lack of Political Pressure	25.0	65.0
Financial and Institutional Autonomy	57.5	77.5
Legal Justification of Decisions	45.0	65.0
Citizens' Perception	35.5	65.0
Perception of Political Parties	27.5	65.0
Assessment by Monitors	37.5	67.5

Across nearly all components, Kosovo records higher scores than Albania, particularly in appointment procedures, formal guarantees of independence, and perception-based evaluations of institutional neutrality. The most pronounced difference appears in member appointment procedures, where Albania scores very low (12.5) compared to Kosovo (70.0). This gap reflects fundamental differences in institutional design: in Albania, appointments involve political actors to a considerable extent, whereas in Kosovo they rely primarily on judicial institutions. While the EDMPI data capture these relationships indirectly rather than establishing direct causality, such structural arrangements are likely to influence perceptions of independence.

Other institutional components, including legal guarantees for independence, tenure security, and financial and operational autonomy, also show consistently higher scores for Kosovo. ECAP's results (75.0–80.0) suggest strong formal safeguards against external interference. Albania's more moderate scores (approximately 52.5–57.5) indicate that legal protections exist but may be perceived as less robust or inconsistently implemented. Importantly, formal safeguards alone do not determine institutional performance, as effectiveness also depends on administrative capacity, institutional culture, and broader political context.

The component "lack of political pressure" further illustrates differences in perceived independence. Kosovo's score of 65.0 indicates lower perceived interference, while Albania's score of 25.0 suggests stronger stakeholder concerns about political influence. These scores

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reflect perceptions rather than direct measures, and may be shaped by contextual factors such as political polarization or historical trust in institutions.

A similar pattern emerges in citizens', political parties', and election observers' perceptions, where Kosovo consistently outperforms Albania. Higher ECAP scores indicate greater confidence in institutional independence, whereas lower ASC scores reflect greater skepticism about neutrality. These findings highlight that stakeholder trust is critical, complementing formal safeguards in shaping perceived autonomy.

From a broader perspective, insulation from political influence is a core element of the rule-of-law framework governing electoral processes. Electoral dispute-resolution bodies serve as mechanisms of horizontal accountability, ensuring that electoral rules are applied through legal procedures rather than through political bargaining. When institutions are perceived as independent, they strengthen confidence in electoral outcomes and enhance democratic legitimacy.

The findings suggest that Kosovo's ECAP is generally perceived as operating within a more insulated and credible institutional framework, while Albania combines formal safeguards with lower stakeholder confidence in independence. This contrast underscores the importance of both institutional design and public trust in shaping perceptions of non-politicized electoral dispute resolution.

Indicator: Timeliness of Resolution of Complaints

Table 6 presents the comparative scores for Albania's ASC and Kosovo's ECAP. In contrast to several other indicators examined in this study, Albania scores somewhat higher on certain procedural-timeline components. The most notable difference is in the component on deadlines set by law, where Albania scores higher (80.0) than Kosovo (45.0). This suggests that Albania's legal framework establishes relatively clear and detailed procedural deadlines for resolving electoral complaints. However, the presence of formal deadlines does not necessarily ensure faster or more efficient implementation in practice.

Table 6: Evaluation of Component Items of Complaint Resolution Timeliness (Source: Authors' compilation)

Component Items	Scores	
	ASC Albania	ECAP Kosovo
Deadlines Set by Law	80.0	45.0
Compliance with Legal Deadlines	57.5	55.0
Assessment by Domestic Observers	67.5	40.0
Assessment by International Observers	72.5	52.5
Opinion by Political Parties	57.5	50.0

When examining compliance with legal deadlines, the two countries display relatively similar scores (57.5 for Albania and 55.0 for Kosovo). Because this difference is small, it should not be interpreted as substantively meaningful. Instead, the results suggest that both systems

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generally attempt to operate within the timelines established by law, although their institutional structures and procedural practices may differ.

Perception-based indicators, including assessments by domestic and international observers and political parties, generally show somewhat higher ratings for Albania. Observers and political actors appear to perceive Albania's dispute resolution procedures as operating within relatively predictable timelines. However, these perceptions may also reflect differences in the structure of the dispute resolution process. For example, systems that rely more on administrative procedures may process cases more rapidly. In contrast, systems that incorporate greater judicial review may require additional time to examine legal arguments and evidence.

These findings suggest that procedural speed and substantive review can involve institutional trade-offs. Electoral dispute systems designed to provide extensive legal scrutiny may require longer timelines, while more streamlined procedures may resolve cases more rapidly but with less extensive legal examination. The EDMPI data do not allow definitive conclusions regarding which model is more effective overall, but they highlight the importance of balancing efficiency with procedural thoroughness.

From the perspective of electoral governance and rule-of-law theory, timely resolution of complaints is essential because unresolved disputes can delay the certification of election results and generate political uncertainty. At the same time, the credibility of dispute resolution depends not only on speed but also on the quality and legitimacy of decisions. Effective systems must therefore ensure that complaints are resolved within reasonable timeframes while maintaining adequate procedural safeguards.

Taken together, the results indicate that Albania's system may operate with relatively clearer procedural timelines, while Kosovo's dispute resolution framework may involve more complex or extended procedures. These differences illustrate the multidimensional nature of electoral dispute management, where procedural efficiency, legal scrutiny, and institutional credibility interact to shape overall performance.

Indicator: Impact on Public Trust

Table 7 presents the comparative results for Albania's ASC and Kosovo's ECAP. Across several components, Kosovo records higher scores than Albania, particularly in indicators related to respect for legal procedures, transparency of communication, and citizen perceptions. For example, Kosovo's score for respect for legal procedures (77.5) exceeds Albania's (55.0), suggesting that ECAP's adjudicatory practices are perceived as more closely aligned with procedural norms. Similarly, the component on transparency of communication shows a difference in favor of Kosovo (77.5 compared with Albania's 65.0), indicating that ECAP may provide more systematic or accessible communication regarding its decisions and procedures. Transparent communication is widely recognized as a key factor in enhancing public understanding of electoral dispute-resolution processes and strengthening substantive political liberty.

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Table 7: Evaluation of Component Items of Impact on Public Trust (Source: Authors' compilation)

Component Items	Scores	
	ASC Albania	ECAP Kosovo
Respect for Legal Procedures	55.0	77.5
Consistency of Decisions	45.0	55.0
Speed of Complaint Processing	70.0	55.0
Implementation of Decisions	77.5	50.0
Transparency of Communication	65.0	77.5
Citizens' Perception	30.0	67.5

The most pronounced difference appears in the citizen perception component, where Kosovo records a substantially higher score (67.5) compared with Albania (30.0). This suggests that public confidence in the fairness and credibility of electoral dispute adjudication may be stronger in Kosovo. However, perception-based indicators should be interpreted cautiously, as they may reflect broader societal attitudes toward public institutions, levels of political polarization, or recent political events. As such, these results capture stakeholder confidence rather than direct measures of institutional performance.

In contrast, Albania records higher scores in speed of complaint processing (70.0) and implementation of decisions (77.5), compared with Kosovo's scores of 55.0 and 50.0, respectively. These findings suggest that Albania's dispute-resolution procedures may operate more quickly and that institutional decisions may be implemented more efficiently. Nevertheless, procedural speed alone does not necessarily translate into higher levels of public trust, which depends more heavily on perceptions of independence, fairness, and transparency.

The component on decision consistency shows more moderate differences between the two countries (Kosovo: 55.0; Albania: 45.0). Given this limited difference, it should not be interpreted as a strong divergence in institutional practice. Instead, the results indicate that both systems may face challenges in maintaining consistent decision-making across cases, an important factor in reinforcing predictability and legal certainty.

From a broader theoretical perspective, the relationship between electoral dispute resolution and public trust is closely tied to the legitimacy of democratic institutions and the rule of law. Dispute-resolution bodies provide mechanisms for addressing electoral grievances within a legal framework, reducing the likelihood that conflicts will escalate into political crises. When stakeholders perceive these institutions as transparent, impartial, and procedurally fair, they are more likely to accept electoral outcomes, even when disputes arise.

Taken together, the comparative findings suggest that Kosovo's ECAP is generally perceived as contributing more positively to public confidence in electoral dispute resolution, particularly regarding procedural credibility and communication with stakeholders. At the same time, Albania demonstrates relatively stronger performance in certain administrative aspects, such as procedural speed and implementation of decisions. These results highlight that public trust in electoral dispute mechanisms is multidimensional, shaped not only by procedural efficiency but also by perceptions of fairness, transparency, and institutional independence.

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The analysis indicates that strengthening public confidence in electoral dispute resolution requires attention to both institutional practices and the broader political environment in which these institutions operate. Improvements in transparency, clarity of legal reasoning, and communication with stakeholders may reinforce the legitimacy of electoral adjudication processes and contribute to greater trust in electoral outcomes.

Comparative Performance of the EDMPI: Albania and Kosovo

The comparison presented in Table 8 highlights a clear divergence between the two countries in the institutional dimensions of electoral dispute management. Kosovo demonstrates stronger performance across indicators of institutional independence, transparency, and procedural fairness. In contrast, Albania performs better in operational aspects, such as timeliness and the enforcement of decisions.

This pattern reinforces the broader findings of the study: while Albania's electoral dispute-resolution system excels in procedural efficiency, Kosovo's framework appears more effective at fostering institutional credibility and public trust.

Table 8: Electoral Dispute Management Performance Index (EDMPI) Scores (Source: Authors' compilation)

Dimension	Albania	Kosovo
Institutional Independence	40.6	69.4
Procedural Fairness	49.2	68.0
Transparency	50.0	67.5
Effectiveness	43.7	67.0
Non-Political Influence	38.9	70.0
Timeliness	67.0	48.5
Impact on Public Trust	57.0	63.7
EDMPI Overall Score	**49.5**	**64.7**

CONCLUSION

This study demonstrates that the effectiveness of electoral dispute resolution mechanisms is fundamentally linked to the protection of substantive political liberty. Using the Electoral Dispute Management Performance Index (EDMPI), the analysis reveals a clear divergence between Kosovo and Albania that reflects broader institutional and democratic dynamics.

Kosovo performs strongly across indicators of independence, fairness, transparency, and resistance to political influence. These qualities are more than procedural achievements; they function as concrete safeguards of citizens' political freedoms. Transparent adjudication, impartial appointment processes, and consistent legal reasoning protect individuals from arbitrary decision-making, ensure that electoral rights are meaningfully enforced, and reinforce democratic legitimacy through accessible and impartial justice.

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In contrast, Albania's Supreme Court (ASC) is perceived as more vulnerable to political influence, with lower scores on independence, fairness, and transparency. Although Albania demonstrates relatively strong procedural speed, this advantage cannot compensate for structural weaknesses that undermine the impartial enforcement of electoral rights. Politicized dispute resolution erodes predictability, legal certainty, and public trust, thereby weakening both the procedural and substantive dimensions of democracy.

The findings underscore that electoral dispute management is central to safeguarding substantive political liberty. Institutions that combine independence, transparency, and procedural rigor strengthen public trust, protect political rights, and contribute to democratic consolidation. Strengthening electoral justice in both countries through depoliticized appointment processes, enhanced transparency, and consistent legal reasoning remains essential to preserving political freedoms and reinforcing the rule of law.

Several limitations should be considered when interpreting these findings. First, the analysis focuses primarily on a single electoral cycle in each country. While this allows for an in-depth examination of institutional practices within a specific context, it does not capture potential variations in performance across multiple elections over time.

Second, elements of the EDMPI incorporate perception-based assessments drawn from election observation reports and qualitative institutional evaluations. Although these sources provide valuable expert insights, perception-based measures may reflect interpretive judgments rather than purely objective assessments.

Third, the study relies extensively on secondary sources, including legal texts, election observation reports, and institutional publications. Such materials may contain inherent biases related to institutional perspectives, reporting priorities, or observer interpretations.

Finally, the numerical scores generated by the EDMPI should be understood as approximate indicators of institutional performance rather than precise quantitative measures. The index is primarily designed as a structured, comparative analytical tool to facilitate the systematic evaluation of electoral dispute-resolution institutions, not as an exact measure of democratic quality.

Future research could strengthen the robustness of this framework by applying the EDMPI to multiple electoral cycles and extending the analysis to additional cases across the Western Balkans.

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Andon Kume: conceptualization, methodology, investigation, validation, writing – original draft.
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APPENDIX

Appendix A

EDMPI Coding Framework

Code	Indicator	Conceptual Definition	Coding Question (0–100 Scale)	Scale Anchors / Interpretation	Typical Data Sources
I1	Independence of Institutions	Autonomy of the bodies responsible for adjudicating electoral complaints in the appointment, budget, and decision-making.	To what extent are these bodies free from political or partisan control?	0–25 - Politically dependent; 26–50 - Partial autonomy; 51–75 - Professional independence with minor influence; 76–100 - Fully independent judicial body.	Electoral Code, ASC/ECAP statutes, OSCE/ODIHR & EU EOM reports.
I2	Fairness of Decisions	Consistency and legal reasoning in adjudicative decisions.	Are complaint decisions impartial and legally reasoned?	0–25 - Arbitrary/ partisan; 26–50 - Mixed; 51–75 - Mostly fair; 76–100 - Fully impartial and coherent.	ASC/ECAP rulings, observer evaluations.
I3	Transparency of the Process	Openness of proceedings and public access to information.	Are complaint procedures and decisions accessible to the public?	0–25 - Opaque; 26–50 - Partial disclosure; 51–75 - Regular publication; 76–100 - Full publication and open hearings.	Official websites, observation reports.
I4	Effectiveness of the Appeal Mechanism	Capacity of the mechanism to provide timely, enforceable remedies.	How effective is the mechanism in implementing corrective actions?	0–25 - Symbolic; 26–50 - Occasional remedies; 51–75 - Generally effective; 76–100 - Fully effective and enforced.	CEC/ECAP decisions, court rulings, observer data.
I5	Non-Political Influence	Degree of external (party/state) interference.	What is the perceived level of political pressure on decisions?	0–25 - High pressure; 26–50 -Moderate; 51–75 - Low; 76–100 - None.	V-Dem, PEI, survey data, OSCE/ODIHR reports.
I6	Timeliness of Resolution	Compliance with statutory deadlines.	Are complaints resolved within the prescribed timeframe?	0–25 - Chronic delays; 26–50 - Frequent delays; 51–75 - Mostly on time; 76–100 - Fully timely.	Electoral laws, observer timelines.
I7	Impact on Public Trust	Effect of complaint processes on citizen and party confidence in elections.	To what extent does the process enhance public trust in electoral integrity?	0–25 - Erodes trust; 26–50 - Neutral; 51–75 - Builds trust; 76–100 - Strongly reinforces trust.	PEI, domestic surveys, media analysis.

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Appendix B

Illustrative Coding Entries and Documentary Evidence Used in Calculating EDMPI Values: Albania

Indicator Code	Score (0–100)	Evidence Summary / Quotation	Source Type	Citation
I1 Independence of Institutions	**40.6**	The appointment of the members of the Appeals and Sanctions Commission (ASC) continues to be the outcome of political negotiations between the two largest parties.	International observation report	OSCE/ODIHR Final Report, 2025, p. 18
I2 Fairness of Decisions	**46.6**	ASC decisions on parliamentary complaints were frequently dismissed on procedural grounds, without substantive reasoning.	Official decisions	ASC Decision 11/2025; ASC Decision 15/2025
I3 Transparency of Process	**48.3**	Hearings are not open to the public; decisions are limited to publication on the CEC website.	Observation report / CEC portal	OSCE/ODIHR 2025; CEC Albania Portal (2025)
I4 Effectiveness of Mechanism	**41.8**	Remedies rarely altered election outcomes; few sanctions were implemented.	Observation report	EU EOM Final Report, 2025, p. 24
I5 Non-Political Influence	**46.2**	"Perceptions of political pressure on ASC members remain high."	Academic analysis	Kume & Lirëza (2022, p. 37)
I6 Timeliness of Resolution	**67.0**	Complaints are generally reviewed within 48 hours as required by law.	Legal framework/observer confirmation	Electoral Code Art. 145; OSCE/ODIHR 2025
I7 Impact on Public Trust	**57.1**	52% of surveyed voters expressed low confidence in electoral justice.	Survey/perception index	PEI 2025; V-Dem 2024

Illustrative Coding of Indicator Items

Indicator	Country	Evidence	Rationale	Score	Coder
Method of Appointment of Members	Albania (ASC)	Electoral Code of Albania	Members are appointed through a politically negotiated parliamentary process with limited safeguards for independence.	20.0	Authors
Method of Appointment of Members	Kosovo (ECAP)	Law on General Elections in Kosovo;	The appointment process includes judicial representation and clearer legal criteria, ensuring greater institutional independence.	67.5	The authors, together with an external independent researcher with expertise in electoral processes

Appendix C

Sensitivity Analysis of Indicator Weighting

The EDMPI index assigns equal weights to all indicators to avoid subjective prioritization among institutional dimensions. However, because different aspects of electoral dispute management may vary in their relative importance, a sensitivity analysis was conducted to assess whether alternative weighting assumptions would significantly alter the comparative findings.

Two alternative weighting scenarios were tested. In the first scenario, greater weight was assigned to indicators associated with institutional integrity (independence and procedural fairness). In the second scenario, greater emphasis was placed on operational performance indicators (timeliness and enforcement capacity). The purpose of this exercise was to evaluate the robustness of the overall comparison between Albania and Kosovo.

Sensitivity Analysis of EDMPI Scores Under Alternative Weighting Schemes

Country	Equal Weights	Integrity-Weighted Model	Efficiency-Weighted Model
Albania	49.5	47.8	51.1
Kosovo	64.7	66.1	62.5

The sensitivity analysis demonstrates that the overall ranking between the two countries remains stable under different weighting scenarios. Kosovo consistently outperforms Albania across all weighting models. Although the magnitude of the difference varies slightly depending on the weighting structure, the relative performance gap remains substantively unchanged.

These findings suggest that the EDMPI's comparative conclusions are robust to reasonable variations in indicator weighting, thereby reinforcing confidence in the index's validity.

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Strategic Cultural Hedging and The Louvre Abu Dhabi: UAE's Soft Power and SDG 17

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Abstract
This study explored how the United Arab Emirates (UAE) uses Louvre Abu Dhabi (LAD) for strategic hedging, enhancing its soft power, and advancing Sustainable Development Goal 17 (SDG 17). Limited studies examined LAD's political character; thus, the study presents information about LAD's diplomatic role. Using quantitative methodology, the study analyzed official reports (2018-2025) using R. The study found a significant global engagement and a strong positive correlation ($r = 0.990$, $p = 0.010$, excluding the COVID-19 period) between the museum's international visitor numbers and the UAE's progress in the Global Soft Power Index (GSPI). The findings suggest evidence of strategic hedging due to the diversification of international visitors. Further, results indicated an alignment with SDG 17 as shown through educational partnerships and diplomatic engagement. The study concluded that LAD maintained diplomatic relations in balance.

Keywords
Louvre Abu Dhabi; Soft Power; Strategic Hedging; Cultural Diplomacy; Global Soft Power Index; SDG 17; United Arab Emirates

INTRODUCTION

In today's world, the way states project their power has become different from past eras (McClory 2015, 6; Isar and Triandafyllidou 2020, 393). For instance, cultural diplomacy (CD) directly impacts foreign policy (Grincheva 2024, 173; De Corte 2019, 5), and the UAE uses its cultural capital to strengthen its global relations (Gulf Magazine 2025) and achieve the United Nations Sustainable Development Goals (SDGs). LAD opened its doors in November 2017 due to an agreement with France signed in 2007 (Louvre Abu Dhabi n.d.). The museum was the first in the world to be built through a diplomatic agreement (UNESCO 2023), and, therefore, LAD can be seen as an instrument of soft power and cooperation (De Corte 2019, 4).

The opening of LAD happened at a time when two important issues rose in world politics: the rise of CD and the adoption of the SDGs. Cummings (2009, 1) argued that CD is the exchange of ideas, information, art, and other cultural aspects between states and people in order to help them understand each other in a better way. Mori (2018, 1) argued that CD is a form of soft power that aims to foster international goodwill. The SDG 17 partnerships indicate that cultural institutions can support global collaboration.

Although research about museum diplomacy exists, the whole approach to exploring cultural institutions in enhancing the national goals is still rare (Cerquetti and Montella 2021, 125, 139). Studies examining how museums can be aligned with sustainability remain rare in regard to modern art museums (Fehér et al. 2023, 683). Additionally, studies on the way cultural institutions can function in strategic hedging are still unexamined, particularly in non-Western

countries. On this point, strategic hedging means the way nations mitigate risks by adopting policy alternatives (Kuik 2008, 163). These studies offer invaluable insights but still lack a quantitative measurement to examine the way one cultural institution uses strategic hedging and advancing SDGs. To date, almost no study has quantified a museum's impact through a hedging framework.

Accordingly, this study aimed to fill the gap in research by identifying LAD's measurable contributions to SDG 17 (targets 17.16 and 17.17) and examining LAD's role in the UAE's strategic balancing between global powers. Also, it aimed to calculate the correlations between museum activities and the UAE's soft power score. The study further aimed to develop a theoretical framework to link CD, strategic hedging, and SDG 17.

To achieve these objectives, the current study deals with these research questions:

1. To what extent does LAD contribute to the CD and the soft power of the UAE?
2. How can we explain the activities of a cultural institution from the perspective of strategic hedging in international relations?
3. How does LAD support SDG 17 through international cooperation and educational participation?

By answering the above questions, the study aims to examine the diplomatic role of a global cultural institution. It also suggests the concept of Strategic Cultural Hedging as a framework that links the CD with geopolitical balancing strategies.

LITERATURE REVIEW

Soft Power

According to Nye (2004, x), soft power can be seen as "the ability to get what you want through attraction rather than coercion." Lock (2010, 32-33) argued that Nye's concept lacks strategic instructions about how states can plan and use their soft power. Mattern (2005, 583) pointed to the line between attraction and coercion. She stated that representational force creates attraction, even via coercive language. Accordingly, strategic communication is a key part of public and cultural diplomacy. Al Breiki (2024, 1, 331) noted that public diplomacy accounts for approximately 46.7% of the UAE's soft power. That means states outside the West can create their own model of CD, and LAD is an example of that.

Strategic Hedging

Strategic hedging points to the way small and mid-size powers can act safely in a multipolar world (Telci and Rakipoglu 2021, 217). This strategic approach helps in avoiding a full alignment with any great power (Bakir and Al-Shamari 2025, 781). Thus, hedging is vital for keeping states stable and safe because it connects both hard and soft power (Geeraerts and Salman 2016, 62).

Kuik (2008, 165) put three major conditions in regard to hedging behavior: the absence of direct threats, the absence of ideological fracture, and the absence of extreme great power competition. The UAE's cultural policy explains the way of using nonmilitary instruments, such as

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cultural initiatives, in order to avoid confrontation with great powers (Salman et al. 2015, 577-578).

Therefore, the concept of "strategic cultural hedging" is introduced as a framework. The concept refers to the use of cultural institutions and diplomatic initiatives as instruments that states can use to maintain a balanced relationship with multiple global partners, while at the same time, states avoid any overdependence on a single power.

While the traditional soft power strategies concentrate on building the country's image and attracting audiences (Nye 2004), the strategic cultural hedging ensures diversity of cultural participation through geopolitical regions. This means cultural institutions such as museums and global educational programs can work as neutral diplomatic platforms to enable cooperation between actors from competing geopolitical areas.

Thus, strategic cultural hedging can expand the current frames of public diplomacy by focusing on the dimensions of risk management in CD since states can use cultural engagement to maintain their diplomatic flexibility in a multipolar world.

Museum and Cultural Diplomacy, and Sustainable Development

Museum diplomacy can be seen as a new form of CD. It directly employs museums in soft power in order to promote international cooperation and understanding (Grincheva 2020, 90; USC Center on Public Diplomacy 2024). In line with this, Papaioannou (2017, 943) argued that CD can be easily accepted all over the world to deal with states even if there are no diplomatic relations. The flexibility that CD offers can help states protect their national interests. In this context, scholars considered LAD as a good example of "glocal" museum diplomacy that aims to achieve local and national goals of the UAE (Grincheva 2020, 89). According to De Corte (2019, 5), culture is a needed part of modern international relations, and so, CD is one of the most essential tools in modern diplomatic strategies.

LAD directly aligns with SDG 17 (Partnerships for the Goals). Particularly, Target 17.16 points to the enhancement of the global partnership, and Target 17.17 points to the encouragement of the multi-stakeholder partnerships (The United Nations 2015, 30). These types of cultural initiatives show city diplomacy, which aims to use cities to enhance global governance to achieve SDGs (Ayasreh 2024, 2). In this regard, education is valuable since it helps in informing the world about the SDGs and getting people to work together to reach the SDGs (Abazov 2021, 1). This is shown in practice by LAD's educational programs.

THEORETICAL FRAMEWORK

Figure 1 shows the conceptual framework that connects CD, strategic hedging, and sustainable development partnerships. The framework shows how cultural institutions -like LAD- operate as platforms that transform strategic hedging and soft power to global cultural engagement. Through exhibitions, educational programs, and participants, the museum engages key actors from the West and the Global South. This kind of engagement supports SDG 17 and also achieves strategic results such as soft power gains, geopolitical balance, and SDG contributions.

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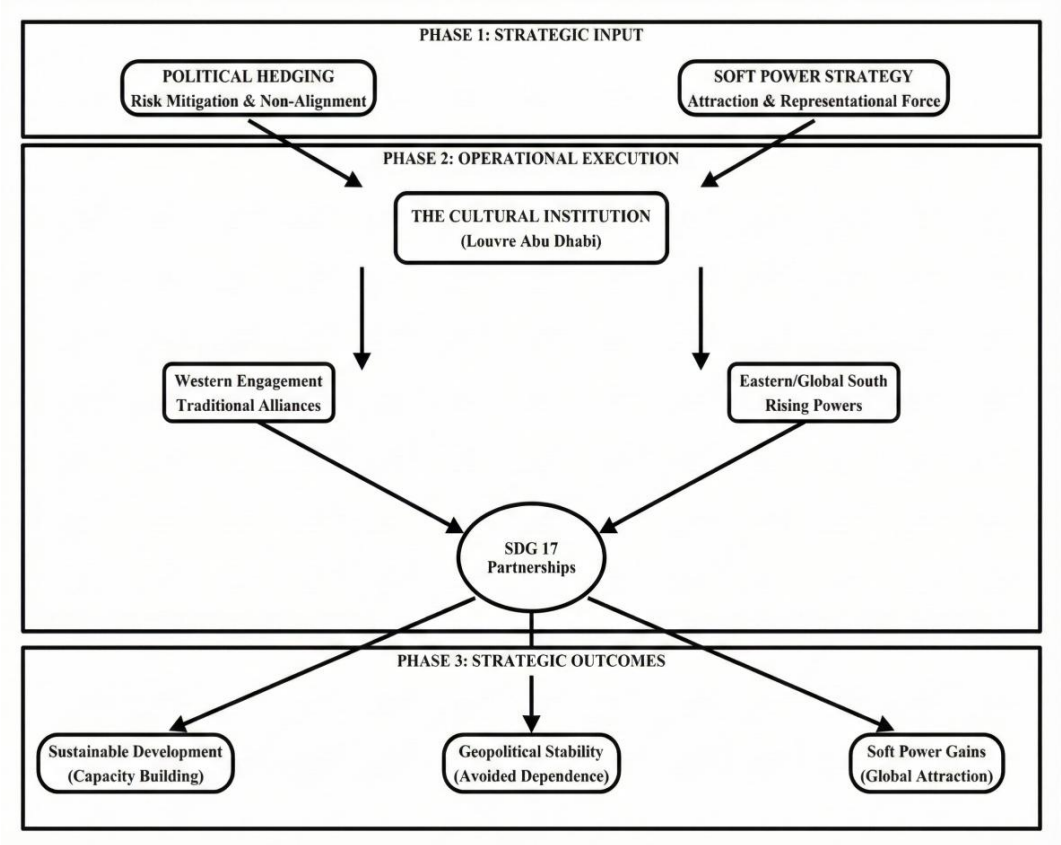

Figure 1: Theoretical Framework for Strategic Cultural Hedging (Source: Author's compilation)

METHODOLOGY

A quantitative methodology (Creswell and Creswell 2018) was used for the analysis of LAD statistics and the exploration of the diplomatic effects. The analysis examined LAD's official reports and official media releases from 2018 to 2025. The start in 2018 reflected LAD having opened by the end of 2017. The research also analyzed GSPI reports from their first publication in 2020 until 2025 in order to track the soft power scores of the UAE. The study also obtained and analyzed data from academic peer-reviewed journals.

Partnership analysis was performed to address SDG 17 progress. A correlation analysis was conducted to study the relationship between the total of yearly LAD's international visitors and the UAE's soft power scores. The strategic hedging analysis explored the geopolitical balance through international visitors and the diversity of partnerships.

All statistical analysis and figures used in the present research were generated using R program (version 4.5.2) and RStudio. The ggplot2 package (Wickham 2016) was also used for the visualization of data.

The analysis of the study has a limited scope due to the timing of when the data became available. LAD opened in 2017, and the GSPI started in 2020. Thus, the study utilized four years of data (n=4: 2021, 2022, 2023, 2024) for the correlation analysis. The analysis did not include the year 2020 because there were pandemic-related closings and, therefore, full data could not

be collected. Additionally, the data collected during the pandemic was irregular. Any data that was unavailable through annual reports was either estimated using similar data (~in the tables) or excluded from the entire study. Due to the limitations of the sample size, the study used the Pearson Correlation Coefficient exclusively for exploratory purposes only.

KeyEquations

Equation 1: Partnership Index

$$\mathrm{PI}_t = \left[\frac{\frac{L_t}{L_{2018}} + \frac{V_t}{V_{2018}} + \frac{E_t}{E_{2018}}}{3} \right] \times 100$$

The Partnership Index measures the global participation of LAD through three indicators: international art loans (L), diplomatic or VIP visits (V), and educational participants (E). The index uses the year 2018 as a baseline (index=100) with subsequent years showing relative changes in comparison with the year 2018. The Index is intended to illustrate and describe trends in partner activity on an aggregate level relative to each other and is not meant to provide a predictive model or be an exact measure of change.

The three dimensions (L, V, E) were given equal weight since there has been no prior empirical evidence developed to favorably treat any of these dimensions above others. Additional research may develop different weighted options. The base year used in the Index is 2018, which is the first complete year of museum operations and therefore represents a consistent methodologically stable point of comparison.

Equation 2: Pearson Correlation

$$r = \frac{\sum_{i=1}^{n}(x_i - \bar{x})(y_i - \bar{y})}{\sqrt{\sum_{i=1}^{n}(x_i - \bar{x})^2 \sum_{i=1}^{n}(y_i - \bar{y})^2}}$$

x = Total annual international visitor numbers
y = UAE GSPI scores
$\bar{x}$ = Mean of total international visitors
$\bar{y}$ = Mean of soft power scores

Equation 3: Growth Rate

$$\text{Growth Rate } (\%) = \frac{V_{\text{final}} - V_{\text{initial}}}{V_{\text{initial}}} \times 100$$

V_{final} = final value,
V_{initial} = initial value.

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RESULTS

International Visitors and Global Reach

Like any country, COVID-19 caused obstacles for LAD. However, data showed a stable growth in international visitor numbers. For example, the international visitors' percentage of all visitors grew by 42.37% from 2018 to 2024. In 2018, LAD welcomed 1,000,733 visitors (59% were international). In 2024, the number rose to 1,442,803 (84% were international). The yearly average, without the years 2020 and 2021, was 70.6%. This suggested that LAD could advance its global reach (see Table 1, Figure 2).

Table 1: Visitor Statistics and International Reach (Source: Author's compilation)

Year	Total Visitors	International Visitors	International %	Top Visitor Sources	Source Citation
2018	1,000,733	590,432	59%	India (10.2%), France (7.4%), China (6.9%)	(Louvre Abu Dhabi 2018, 12, 31)
2019	975,483	682,838	70%	China (9.4%), France (8.5%), India (7.8%)	(Louvre Abu Dhabi 2019, 14, 17)
2020	348,000	~70,000-105,000	Pre-COVID-19 (1 JAN – 14 MAR): 86%	France (10.5%), Russia (9.5%), Germany (7.2%)	(Louvre Abu Dhabi 2020, 124-128)
2021	270,404	91,937	34%	France (13%), USA(11.7%), Russia(7.8%)	(Louvre Abu Dhabi 2021, 75-76)
2022	622,399	423,231	68%	Europe (37%), Asia (20%), Americas (17%)	(Louvre Abu Dhabi 2022, 75-76)
2023	1,247,076	897,895	72%	Russia (12.2%), China (8.3%), India (8.3%)	(Louvre Abu Dhabi 2023, 13-14)
2024	1,442,803	1,211,954	84%	China (12.2%), Russia (11.8%), India (6.5%) France (6.3%), UK (6.2%)	(Louvre Abu Dhabi 2024a, 16-17) (Louvre Abu Dhabi 2024b)

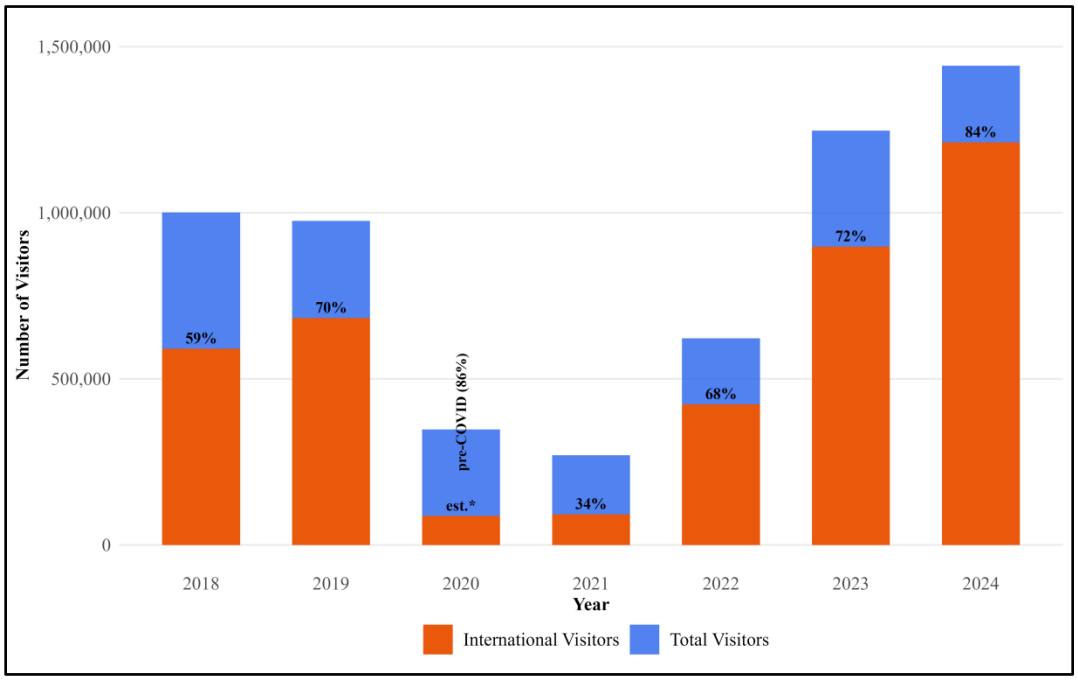

Figure 2: Visitor Statistics and International Reach (2018-2024) (Source: Author's analysis)

PARTNERSHIPS WITH MULTIPLE STAKEHOLDERS AND SDG 17

The museum had a wide involvement in several interactions with different groups connected to SDG 17 (targets 17.16 and 17.17). In 2019, the number of international art loans was the highest (745). The total number of international art loans since the opening of the museum ranged from 240 to 745 per year.

Diplomatic and VIP visits increased from 173 in 2020 during the COVID-19 pandemic to 500 in 2023. Further, there was a large increase in the number of participants in educational programs, from 24,000 in 2018 to 64,223 in 2024, representing a 168% increase. The data showed that the museum could build capacity and share more knowledge (see Table 2, Figure 3).

Table 2: Multi-Stakeholder Partnerships and SDG 17 Indicators (Source: Author's compilation)

Year	International Art Loans	Diplomatic/VIP Visits	Educational Participants	Partnership Index*
2018	403	400	24,000	100
2019	745	507	45,000	166
2020	408	173	24,379	82
2021	650	Reduced (COVID-19)	11,036	N/A
2022	Data not published	Data not published	29,683	N/A
2023	240	500	45,346	124.5
2024	240	General engagements**	64,223	N/A

**2018 baseline = 100*
***General engagements are not comparable to previous years.*

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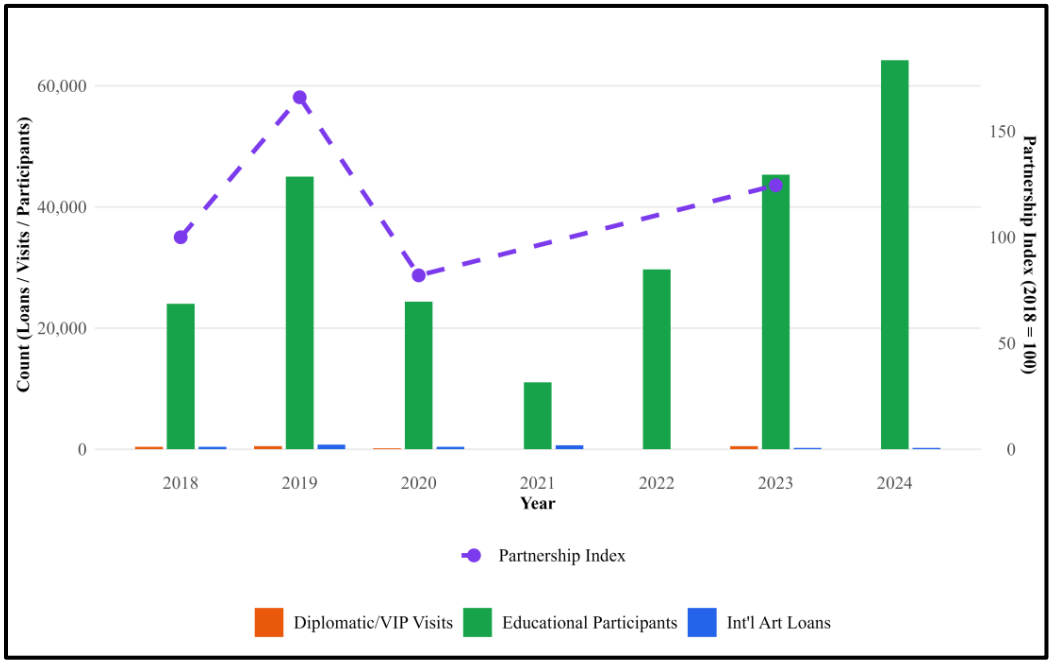

Figure 3: Multi-Stakeholder Partnership and SDG 17 Indicators (Source: Author's analysis)

Soft Power and Global Rankings

The GSPI scores continued on an upward trend, which aligns with the recovery of the UAE and its growth after the COVID-19 pandemic. For example, in 2020, the rank of the UAE was 18th in the world with a score of 45.9/100. By 2023, the UAE had improved to 10th place globally and maintained that position through to 2025 when the UAE scored 60.4/100. This implies that the total score improved by 31.6%, and the ranking increased by eight places over the five years (see Table 3, Figure 4).

A strong positive correlation was shown by the statistical analysis regarding the UAE's soft power score and LAD's total yearly international visitor numbers. The Pearson correlation coefficient was r = 0.990 (p = 0.010, excluding the COVID-19 period in 2020). This indicates that there is a strong statistical association between the two variables in the available data. However, the results do not indicate that there is a causal relation because the national soft power ranking is impacted by several factors, such as economic performance, tourism and cultural policies. Spearman's ρ correlation suggested a relation (ρ = 1.000, p < 0.083), which is consistent with the Pearson results. However, this result should be interpreted carefully because of the small size of the sample (n=4).

However, more research may be needed to determine how other cultural institutions or events can affect the soft power score (e.g., Expo 2020 Dubai). Still, the analysis of the present study could suggest that LAD's global engagement is a sign of the UAE's overall success in CD.

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Table 3: UAE GSPI Performance(Source: Author's compilation)

Year	Score (/100)	Global Rank	Year-on-Year Change	Cumulative Improvement	Source Citation
2020	45.9	18th	Baseline	Baseline	(Brand Finance 2021, 112)
2021	48.4	17th	+2.5 (5.4%)	+2.5 (5.4%)	(Brand Finance 2021, 88)
2022	52.0	15th	+3.6 (7.4%)	+6.1 (13.3%)	(Brand Finance 2022, 31)
2023	55.2	10th	+3.2 (6.2%)	+9.3 (20.3%)	(Brand Finance 2023, 7)
2024	59.7	10th	+4.5 (8.2%)	+13.8 (30.1%)	(Brand Finance2024, 6)
2025	60.4	10th	+0.7 (1.2%)	+14.5 (31.6%)	(Brand Finance 2025, 112)

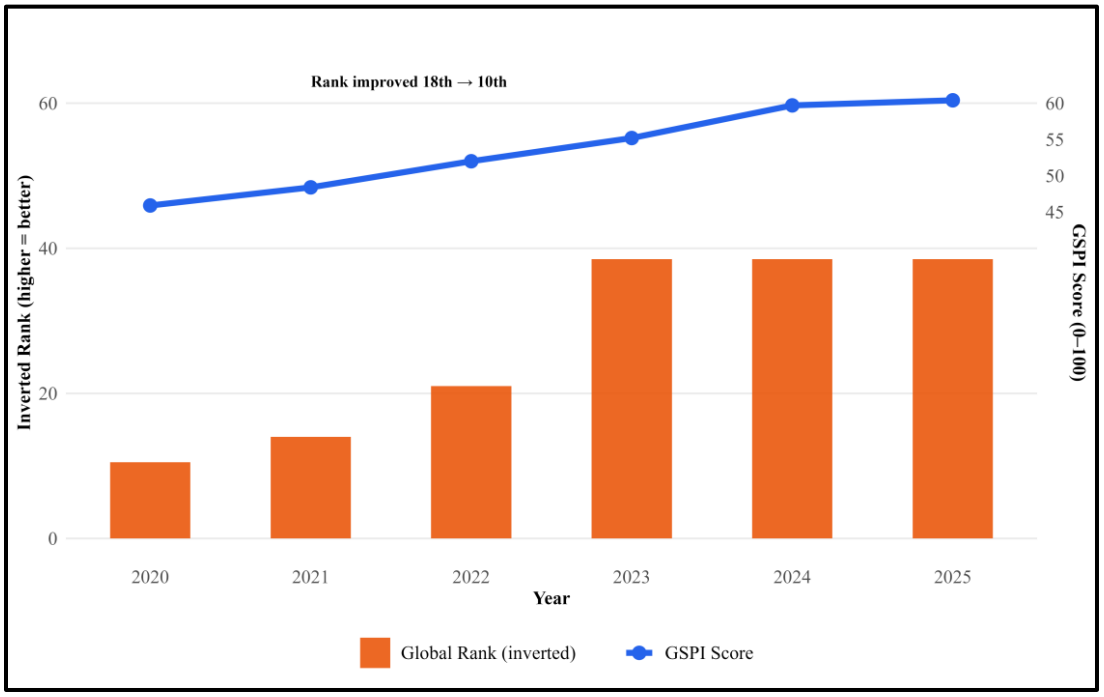

Figure 4: UAE Global Soft Power Rank (2020-2025) (Source: Author's analysis)

Strategic Hedging and Cultural Balance

Analysis of diversity (see Table 1 and Table 4) showed that the museum could effectively balance the UAE's relationship with different global powers. LAD could keep a balanced visitor combination from the East and West regions. The most prominent regions for international visitors included: Western countries (e.g., USA, UK, France, Germany); Eastern Countries (e.g., Russia); and Asian Countries (e.g., China, India). In 2024, the international visitors by country were as follows; 12.2% of visitors to LAD originated from China; 11.8% from Russia; 6.5% from India; 6.3% from France; 6.2% from the UK; 4.6% from the US; and 4.2% from Germany. This diversification connects with the strategic hedging theory and also suggests that the museum can help in maintaining balanced relationships with all different powers.

Table 4: Strategic Hedging Analysis Through Visitor Origin (2024) (Source: Analysis based on LAD 2024 data)

Geopolitical Domain	Key Regions	2024 Share (%)	Strategic Significance
Western Alliance	France, UK, USA, Germany, Italy, Spain, Australia	27.5%	Traditional diplomatic and cultural relations
Asian Powers	China, India, the Philippines, South Korea	24.9%	Growing economy and cultural relations
Strategic Partners from the East	Russia, Kazakhstan, Armenia	15.6%	Energy cooperation and regional stability
Global South/Others	Brazil, and Others	32%	South-South cooperation and diversification

DISCUSSION

The results of the above analysis suggested that public diplomacy can drive soft power. These results were in line with Al Breiki's (2024, 1, 331) findings. The connection between LAD's global reach and the increase in soft power rank was consistent. In this case, it can be argued that cultural museums served as a strategic resource as well as a symbolic investment that helped in enhancing the reputation of the UAE all over the world. Recuero Virto et al. (2024, 2) provide further support. They show that LAD can be considered as a successful brand extension for the Louvre Paris, which shapes visitors' attitudes and intentions. This confirms the strategic value of connecting new cultural institutions with old prestigious ones.

The findings also suggested that the hedging strategy can be highly effective in CD. The analysis of LAD reports suggested that it attracted many international audiences from different power regions. For example, the international visitors consisted of people from China and Russia, while at the same time, the museum maintained the country's traditional relations with Western countries. This is in contrast with Lock's (2010, 32, 33) criticism of soft power, which lacks strategic directions for states. On the other hand, it is in line with De Corte (2019, 9), who stated that soft power is a tool in international relations.

However, we should examine these findings through a critical lens, particularly regarding the actual institutional role for LAD. For instance, Radeljić (2024, 235) argues that LAD serves the state's interest, which may limit the museum's participation in the broader museums' mission, which is to address political, economic, and social issues. For instance, it has been said that the primary visitors to the museum were people with high income and middle-class instead of serving all sectors of society (Radeljić 2024, 241). It is also argued that Louvre branding will be removed in 2037, which raises questions about the continuity of LAD as a cultural institution (Radeljić 2024, 238–239). These considerations raise a scholarly question about whether institutions that serve the geopolitical state's interests can, at the same time, fulfill the broader visions and missions of museums? The quantitative approach used in this study cannot answer this question, and this points to the need for qualitative research regarding actual programs.

As stated earlier in the present study, modern museum diplomacy differs from traditional approaches. Cummings (2009, 1) described traditional diplomacy as a one-way approach, whereas LAD engaged in multiple dimensions such as art loans, educational programs, and diplomatic visits. This is, hence, in line with Grincheva's (2020, 89) term of "glocal" diplomacy,

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where a cultural institution such as LAD can help in achieving local, national, and global goals all at once.

Regarding LAD's contribution to achieving SDG 17, the museum showed indicators consistent with measurable contributions. To achieve SDG 17's targets 17.16 and 17.17, LAD had a 168% growth rate in educational participants and could welcome, in non-pandemic years, with available data, 400 to 507 diplomatic and VIP visits annually and could also facilitate hundreds of art loans.

By adopting the theoretical framework, the findings could also address the concern raised by Cerquetti and Montella (2021, 125, 139) that studies often lack thorough methods for the study of cultural institutions.

The UAE's approach—previously termed in this study as "strategic cultural hedging"—can offer beneficial lessons for other nations. As Gołębiowski (2020, 170) argued, the government could effectively use tools like CD to achieve foreign policy goals, and that helped the UAE to rise in soft power ranking from 18th place to 10th place.

The current focus on statistical indicators may limit the consideration of a qualitative method in regard to cultural impact, such as artistic innovation. Therefore, future studies may need to investigate other museums in other countries with a qualitative approach.

It should be noted that the study faced some limitations; first, the statistical analysis depended on a small data size, which limits the strength of the results. Second, the soft power rankings can be influenced by several national factors that go beyond the museum activities, such as the economic performance, tourism policies, and some big exhibitions, such as Expo 2020 Dubai. Third, not all data was published every year. Future research can expand the data range. Fourth, the GSPI can be considered as a commercially produced ranking tool which may not completely cover the complex qualitative dimensions of cultural influences, including the issue of "interests." Radeljić (2024, 241) notes that LAD attracted wealthy and middle-class people but not all segments of society, and this cannot be found in the soft power ranking. Fifth, the governance context that LAD operates in may include some constraints that the current quantitative design cannot consider. Also, Radeljić (2024, 247) notes that LAD runs as a temporary franchise because the Louvre branding will be removed in 2037, raising concerns about the long-term continuity of the museum.

CONCLUSION

The study offered empirical indicators that LAD successfully accomplished strategic cultural hedging while making major contributions to SDG 17 (Targets 17.16, 17.17). In 2024, international visitors reached 84% of all visitors. The average proportion of international visitors was 70.6% in non-pandemic years (2018 to 2019 and 2022 to 2024).

LAD can be considered as a global institution that engages with people from all around the world. Further, the museum welcomed approximately 400 to 507 diplomatic and VIP visits in non-pandemic years, with available data, as well as hosting many educational programs that are in line with SDG 17 targets 17.16 and 17.17. The annual international visitor numbers of the museum and the UAE's soft power scores were correlated ($r = 0.990$, $p = 0.010$), with $r^2 = 0.980$ indicating a high degree of variation shared between the two measures. The multiple correlation analysis, including a perfect rank correlation, Spearman's $\rho=1.000$, indicated a strong association

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between the museum's global reach and the UAE's soft power growth. The diversification of visitors indicated hedging. However, more research is needed to determine whether this occurred due to a planned policy or if visitor diversification is a clear sign of the strategic policy.

Furthermore, visitor data is consistent with the application of soft power theory and can be applied to cultural institutions. The analysis in this research also suggested that museums can perform hedging outside the traditional diplomatic channels while advancing SDGs. The Partnership Index and global engagement metrics tracked the progress toward national and global goals. Krzymowski (2020, 5) argued that the country's brand is at the heart of our understanding of soft power. LAD was an important component of soft power and played an important role in building a brand. Recuero Virto et al. (2024, 8) give empirical support for this. Their study of 934 participants found that LAD's positive brand extension encouraged the intention of visiting the museum. This suggests that LAD is not only a diplomatic tool, but also a cultural brand that can be measured.

In the new multipolar world, cultural institutions such as LAD can effectively help states to maintain balanced relations, especially since cultural diplomacy has become a central issue for statecraft (De Corte 2019, 5). In today's world, museums are vital for national interests.

The findings bring wide implications for global cultural policies and museum studies. The concept of strategic cultural hedging introduces a theoretical framework to understand how non-Western countries can use cultural museums in multipolar diplomacy. However, as Radeljić (2024) cautions, institutions that operate within a tension between serving the state's interest and fulfilling the broader global vision highlight the need to balance between the role of the museum as a geopolitical tool and as a cultural tool.

At the same time, the correlation between the number of visitors and GSPI relied on a small sample size and therefore cannot be considered causal. Additionally, the commercial nature of GSPI reflects specific assumptions about the nature of soft power and therefore may not be able to cover issues like social inclusion.

Future research should address these study gaps through several avenues: obtaining more years of data about the museum; comparative studies between museums in different countries; and qualitative studies regarding actual programming. Having interviews with museum managers, staff and employees and also with diplomatic visitors, would give insights into whether the diversification of visitors reflects an intentional hedging strategy or just a natural result. Comparative studies will also allow researchers to test whether the strategic cultural hedging framework can be used in the future beyond this single case study of the UAE.

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CONTRIBUTOR

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Explaining the Formulation of the San Francisco System: A Comparative and Eclectic Analysis of U.S. Bilateral Alliances in East Asia

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Abstract
Although the U.S. hub-and-spokes system was created during the Cold War to contain communism, it has remained resilient for over seven decades. This article examines the formulation of the San Francisco System (SFS) in East Asia, rather than its implementation or effectiveness. Existing scholarship often selects cases to fit specific theories, limiting explanatory power. As a result, the five main theories of alliance formation do not fully explain why alliances emerged in East Asia's unique context. To address this gap, the article proposes analytical eclecticism instead of a single grand theory. It argues that alliance formation in asymmetric contexts is best understood as the interaction of multiple mechanisms rather than one dominant factor, offering a more comprehensive framework for analyzing the origins of the SFS and regional security architecture.

Keywords
U.S. Hub-and-Spokes System; San Francisco System; East Asia Alliances; International Affairs; Alliance Formation Theories; Asymmetric Contexts; Cold War Security Architecture

INTRODUCTION

The San Francisco System (SFS), originating with the signing of the peace treaty at the San Francisco Conference in September 1951, established a security arrangement for the United States (U.S.) and its allies under a bilateral framework consisting of Japan, South Korea, the Republic of China (ROC), the Philippines, Thailand, Australia, and New Zealand (Buszynski 2011; Calder 2004).

While the SFS is frequently described as a "second-best" solution following failed attempts to establish a more comprehensive multilateral defense framework, it has nevertheless demonstrated considerable resilience, posing a persistent puzzle for analyses of regional security dynamics. As Ikenberry (2004) observed, "the US-led regional order may be a historical accident, but it seems to work." The system's enduring nature, despite the collapse of the original Cold War threat environment, has generated ongoing debate regarding its formation. This observation remains highly relevant given shifting regional dynamics and an increased emphasis on minilateral security structures (Tow and Kasim 2019).

This article focuses on the formation of the SFS in East Asia rather than its subsequent implementation, sustainability, or effectiveness. The formation process refers to the strategic decisions undertaken by the U.S. between 1951 and 1962, culminating in the establishment of

bilateral alliances in East Asia rather than a multilateral collective security system. The selection of 1962 as a cut-off point is significant, as it coincides with the Thanat–Rusk Communiqué, symbolizing the consolidation of the hub-and-spokes structure. Employing a structured thematic review and a standardized comparative framework, the article evaluates five dominant theories concerning the formation of the SFS.

This article argues that these theories more fully explain the SFS when understood as sequentially interacting mechanisms rather than as competing standalone explanations. Accordingly, the formation of the SFS can be better understood through the progression of hierarchical structuring, ideational mediation, and the interaction between bargaining and reassurance mechanisms.

The article is organized as follows. The initial section outlines the methodological approach and presents the standardized comparative evaluative framework used to analyze competing explanations of SFS formation. Next, five prominent theories concerning the formation of the SFS are examined in terms of units of analysis, mechanisms, scope conditions, and cross-spoke reach. The discussion then engages with the contemporary literature on minilateral arrangements, serving as an analytical stress test for formation-centered explanations. It subsequently operationalizes an eclectic analytical scheme focused on mechanisms during the formation phase. The article concludes by synthesizing its contributions and outlining prospective avenues for future research on alliance formation.

METHODOLOGY

This article employs a thematic review approach. The objective is not to aggregate findings quantitatively, but rather to synthesize and conduct a comparative examination of mechanism-based interpretations of the formation of the SFS. It prioritizes analytical precision and a comprehensive understanding of causal relationships, while consistently adhering to the foundational principles of theory-driven inquiry within the discipline.

The literature review was conducted using Google Scholar, which indexes materials from Scopus and Web of Science. The review covers academic works published between 1980 and 2024, thereby incorporating both foundational studies on alliance formation and contemporary reinterpretations that respond to evolving regional security contexts. The search terms included "US hub-and-spokes system" (70 results), "San Francisco alliance system" (116 results), and "US bilateral alliances in Asia" (35 results), all searched using quotation marks to ensure precision. Selective use of citation-mapping tools, such as Connected Papers, was employed to ensure that key theoretical contributions were identified and not overlooked.

It should be acknowledged that the selection of works and scholars is necessarily limited. Of the many results retrieved in Google Scholar, only two books, one book chapter, one doctoral dissertation, two working papers, and two journal articles explicitly make theoretical contributions to explaining the formation of the SFS. Most of these works apply one of five theoretical perspectives to account for the alliance system.

The selection process followed purposive theoretical sampling. First, the authors reviewed article titles that were closely related to alliance politics. Next, abstracts were examined to assess the authors' arguments and objectives. On this basis, inclusion and exclusion criteria were developed by identifying whether a study engaged with the strategic rationale behind the

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formation of bilateral alliances. Research focused exclusively on alliance management, performance, or institutional adaptation, without engaging analytically with initial formation, was excluded. A limited number of contemporary studies, particularly on emerging minilateral arrangements, were included to demonstrate how formation-centered theories can be both applied and challenged in current academic debates.

Five prominent theoretical clusters were identified: (1) the dynamics of material power and asymmetry (power play), (2) the role of racialized norms and identities (constructivism), (3) the significance of regional norms and local agency (Asian-oriented perspectives), (4) reciprocity and cost–benefit calculations (social exchange), and (5) domestic signaling and credibility concerns (alliance audience effect). Each cluster was systematically categorized according to the dominant explanatory mechanism most effective in accounting for the formation of the SFS.

A standardized comparative framework was then applied to enable systematic comparison across theories and to identify the conditions under which specific explanations demonstrate conditional strength rather than universal explanatory authority. Rather than treating theories as interchangeable, the framework emphasizes distinctions in terms of unit of analysis, causal mechanisms, scope conditions, and empirical reach across the spokes (see Table 1). This approach enables consistent evaluation of explanatory strength and helps identify instances in which apparent theoretical disagreements stem from differences in analytical level rather than genuine empirical contradictions.

Finally, the empirical reach dimension was assessed across key allies, Japan, South Korea, Taiwan, the Philippines, Thailand, and the ANZUS partners, to evaluate cross-case consistency. Table 1 operationalizes each evaluative dimension and supports a structured comparative analysis across the selected theoretical approaches.

Table 1: Definitions of Standardized Evaluative Dimensions (Source: Authors' own depiction)

Evaluative Dimension	Definition	Application in This Study
Unit of Analysis	The primary level at which an explanation locates causation.	Each theory was coded according to the level at which its main causal story operates directly. Where multiple levels were referenced, the theory was coded by the level most central to explaining bilateral institutional design.
Core Causal Mechanisms	The process-link explains how specified conditions generate a bilateral institutional design.	Each theory's main mechanism was identified and recorded in process terms to maximize comparability (e.g., "constrains," "stratifies," "resists formalization," "bargains," "reassures"). Secondary mechanisms were noted only where they were essential to the theory's core claims.
Observable Implications	The process-link explains how specified conditions generate a bilateral institutional design.	For each theory, expected indicators for 1951–1962 were specified (e.g., treaty design features, diplomatic language, bargaining behavior, sequencing logic, or reassurance

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		claims). These implications were used to assess what types of evidence each theory predicts and typically relies on.
Scope Conditions	The historical and structural conditions under which a mechanism is most likely to operate effectively, and beyond which its explanatory leverage weakens.	For each theory, scope conditions were specified as boundary parameters to avoid overgeneralizing theories beyond their plausible domain.
Empirical Reach Across Spokes	The extent to which a theory can be applied consistently across the principal alliances.	Each theory was assessed for cross-case portability: whether it offers a coherent account across multiple spokes or is most persuasive in a limited subset of cases. This was used to identify uneven generalization and selective application.

ORIGINS OF THE FORMULATION OF THE U.S. HUB-AND-SPOKES SYSTEM

The Powerplay Logic

Drawing on the realist perspective (Christensen and Snyder 1990; Morrow 1991), Cha (2016) advanced the "powerplay" thesis to explain the emergence of the U.S. hub-and-spokes system. The powerplay theory argues that Washington established the SFS not solely for containment, but also to reduce the risk of "rogue" allies engaging in reckless actions that could entangle the U.S. in a broader and undesirable regional military conflict. Significantly, the powerplay maneuver enhances the great power's capabilities by generating "positional power" in addition to its material (hard) power.

In essence, the powerplay perspective holds that the U.S. did not simply seek to exercise direct control or prevent counterbalancing. Instead, it positioned itself as the pivotal node within a web of bilateral relationships, thereby accumulating power through a network of dyadic alliances that increasingly resembled an informal empire.

Cha (2016) further argues that multilateralism often advantages smaller states in their pursuit of influence relative to a dominant power. By contrast, bilateralism constitutes a more effective mechanism for major powers seeking to manage, discipline, and exercise control over weaker states. In this view, alliances function as instruments through which major powers manage uncertainty, reduce mistrust, establish normative frameworks, and sustain a quasi-hierarchical order aligned with hegemonic objectives. The explanatory strength of the powerplay thesis rests on its systemic level of analysis, its clearly specified mechanism of constraint derived from asymmetry, and its behavioral expectation that Washington would favor bilateral arrangements to preserve autonomy and mitigate escalation risks.

The argument is supported by empirical evidence illustrating Eisenhower's dissatisfaction with Syngman Rhee, including the release of prisoners of war during armistice negotiations (CIA 1953), disputes over command structures, and concerns over unilateral actions related to Korean unification (Hwang 1999). Similar tensions are evident in Eisenhower's interactions with Chiang Kai-shek, particularly his reluctance to escalate during the First Taiwan Strait Crisis and Chiang's persistent aspirations to retake mainland China (Taylor 2011).

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At the same time, the empirical reach of the theory is uneven. Its explanatory power is most convincing in a limited set of cases, particularly Japan, South Korea, and Taiwan. At the same time, it is less fully developed in explaining outcomes in the Australia, New Zealand, United States Security Treaty (ANZUS) framework and Thailand.

Furthermore, it often minimizes Washington's exploration of multilateral avenues, even after bilateral agreements had been established. This includes considerations within the Eisenhower administration regarding collective defense initiatives (Office of the Historian 1954) as well as earlier interest in East Asian multilateralism during the Truman era (McIntyre 1995). These limitations suggest that powerplay operates as a fundamental mechanism of hierarchical constraint; however, it does not fully capture the institutional logic embedded in the broader alliance configuration.

The Constructivist Perspective

Constructivist perspectives contend that alliance formation extends beyond material incentives and must be understood through ideational frameworks, varying levels of trust, and historically embedded identity hierarchies. Hemmer and Katzenstein (2002) argue that American policymakers perceived European allies as civilizational equals. In contrast, their approach to Asian partners was shaped by racial and cultural assumptions that rendered multilateral institutionalization both less appropriate and more difficult to manage.

Hemmer and Katzenstein (2002) further note that race played a significant role in shaping U.S. security preferences. They cite a State Department memorandum on a proposed Pacific Pact to illustrate the extent of racialized assumptions, stating that "we do not take the Asians very seriously and in fact regard them as inferiors" (Hemmer and Katzenstein 2002, 598). Capie (2002) similarly argues that Washington viewed Britain, Australia, and New Zealand as culturally proximate partners, while regarding Asian allies as fundamentally different and less reliable. In this context, John Melby's characterization of Filipinos as requiring continued supervision because they were "only one generation out of the treetops" (Cullather 1994, 83) reflects broader elite discourses that framed "Asian" political capacity as less mature. More generally, elite portrayals of "Asian" cognition often emphasized emotion over rationality (Doty 1993), while Blum (1982) likewise observes that many prospective Asian allies were considered unreliable and untrustworthy.

Beyond these ideational claims, Katzenstein (1997b) argues that it was not in Washington's interest to construct institutional arrangements that would constrain American decision-making autonomy. At the same time, multilateralism was also unattractive to smaller allies, as it would have limited their bargaining leverage while increasing cooperation costs and reducing opportunities for free-riding. Interestingly, this argument, although grounded in constructivist reasoning, closely parallels the logic of Cha's powerplay thesis.

The strength of the ideational-normative constructivist perspective lies in its distinctive explanation of why the U.S. favored separate bilateral arrangements, emphasizing racialized perceptions and differential trust toward non-white wartime allies. No other theoretical approach develops this line of reasoning as centrally. However, its explanatory leverage is more limited when applied to the functional design of the SFS, which in practice exhibits features comparable to collective arrangements. Under the hub-and-spokes system, allies were still

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expected to facilitate the defense of U.S. forces stationed on their territories, implying significant mutual security commitments. Moreover, this perspective places comparatively less emphasis on documented U.S. efforts under Truman (Eayrs 1952; Park 2015) and Eisenhower (Sakata 2008) to explore collective security arrangements in East Asia.

Finally, the obligations assumed by Washington within the hub-and-spokes system were not necessarily less demanding than those associated with formal collective defense frameworks. Indeed, the U.S. willingness to conclude bilateral defense treaties with multiple Asian allies suggests that racial or ideational factors alone cannot fully account for the resulting alliance architecture.

The Asian Norm Perspective

Challenging racialist explanations, Acharya (2009) argues that an Asia-specific norm emphasizing non-intervention has made Asian states reluctant to embrace collective security arrangements. In this view, the theoretical discourse on Asian regionalism often overlooks the importance of "local, national, or regional political contexts central to those writing on Asian regionalism" (Katzenstein 1997a, 6). This omission reflects a broader tendency in scholarship on Asian regionalism. By contrast, studies of European regionalism increasingly emphasize the development of collective identities and shared norms (Risse-Kappen 1996). In explaining the emergence of non-Western powers, Mahbubani (1995) similarly contends that Western policymakers frequently misunderstand East Asian regionalism due to the enduring psychological legacy of colonialism. This legacy contributed to a preference for inclusive rather than exclusive security arrangements such as NATO.

Building on this normative perspective, Acharya (2005) argues that the absence of a mutual defense framework in Asia can be explained by postwar normative dynamics that delegitimized collective defense as an instrument of great-power domination and interference, particularly during the decolonization period. In terms of sovereignty, Asian states have placed strong emphasis on non-interference (Acharya 2004). Additionally, Acharya (2012) argues that the failure to establish a US-led collective defense pact in Asia was also shaped by perceptions that most Asian states lacked either the legitimacy or the willingness to assume a regional leadership role. More broadly, Acharya (2003, 219) identifies a set of postwar norms characterized by resistance to formal multilateral security cooperation, acceptance of Westphalian sovereignty and territorial integrity, and a preference for less legalistic forms of regional cooperation.

This perspective on Asian norms provides an important regional counterweight and contributes to broader efforts to conceptualize "Global IR" beyond dominant Western theoretical frameworks (Acharya 2014). However, when applied to alliance design, this logic risks overstating the degree to which collective defense necessarily implies hierarchical domination relative to bilateral arrangements. In practice, a collective security organization would primarily add a shared obligation component, whereby U.S. allies would assist one another in the event of conflict. More importantly, institutionalized collective defense does not inherently equate to the extension of colonial control, particularly given that the United States did not impose collective membership on its Asian allies.

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Even in the case of NATO, the Vandenberg Resolution was designed to protect the United States from allied free-riding and to prioritize the principle of self-help (U.S. Senate 1948; Office of the Historian 1951b). Moreover, U.S. allies in Asia at times actively sought a more comprehensive defense commitment from Washington, including arrangements comparable to those within NATO (Mabon 1988).

The Social Exchange Theory

Social exchange theory offers a relational account of alliance formation that is explicitly attentive to network structure, treating both hubs and spokes as active participants in shaping an emerging alliance network (Izumikawa 2020). Drawing on the foundational works of Emerson (1976) and Baldwin (1978), this perspective argues that states are inherently unable to achieve full self-sufficiency and therefore must engage in exchange relations to secure essential resources, including security.

Within this analytical framework, a central consideration is the allocation of "reward resources." Because actors seek to maximize net benefits, exchange relations tend to intensify among those with greater resources while weakening among those with fewer resources (Emerson 1976). In cases of dissatisfaction, states may also resort to coercive strategies, including blackmail (Molm 1997, 2003). In the context of the SFS, the system emerged as an unintended consequence of these exchange dynamics, in which peripheral states pursued bilateral defense relationships with the hub, as such arrangements offered greater security benefits than purely horizontal cooperation among the spokes. Consequently, incentives for cooperation among spokes diminished as the hub expanded its bilateral commitments and increasingly addressed the security needs of each individual partner (Hafner-Burton et al. 2009).

Izumikawa (2020) examines cases involving Rhee and Chiang to explore the behavioral consequences of alliance dissatisfaction. In response to perceived unreliability, both leaders engaged in anti-communist collective initiatives, including the Asian People's Anti-Communist League (APACL) and United Free Asia, as attempts to reshape their external security environment. From this perspective, states are more likely to pursue alternative collective arrangements when the hub fails to ensure their survival. This logic aligns with Cha's (2000) concept of quasi-alliances, in which states sharing a common ally increase cooperation due to concerns over potential abandonment by the hub.

Accordingly, social exchange theory provides a clear causal logic for understanding the formation of the SFS. It is also the only framework that explicitly addresses the consequences of alliance dissatisfaction by examining how U.S. allies attempted to enhance their security through increased cooperation with one another, as reflected in various anti-communist and collective security initiatives pursued by Rhee and Chiang. However, the theory treats key domestic and decision-making variables largely implicitly, effectively operating as a "black box" approach that emphasizes external relational structures while downplaying internal political dynamics.

This limitation is particularly evident given that Izumikawa's own case analyses rely heavily on domestic considerations, including Yoshida's reluctance to contribute militarily to the Free World and Rhee's anti-Japanese sentiment, which led him to reject Dulles' proposal to include Japan in the APACL. If alliance dissatisfaction alone were sufficient to trigger collective

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defense behavior deemed essential for survival, it remains unclear why Rhee opposed compromise on Japan's participation.

The Alliance Audience Effect Theory

Henry (2022) presents the alliance audience effect theory, which emphasizes the importance of credibility, reassurance, and spillover effects across multiple bilateral alliances. Under this framework, decisions made within one alliance significantly influence how other allied states assess the reliability of their shared partner. Reliability, in this context, refers to the extent to which allies perceive the United States as aligned with their strategic interests and consistently committed to pursuing mutually agreed-upon objectives. Accordingly, the "alliance audience effect" captures the necessity for a common ally to manage multiple alliances simultaneously. Bilateral alliance politics are therefore not purely dyadic, as they are shaped by interdependence across the wider alliance network.

The core premise of the alliance audience effect theory is that policymakers are persistently concerned with credibility. There is a prevailing belief that failing to follow through on threats or withdrawing support from one ally may inadvertently empower adversaries or weaken the integrity of broader alliance relationships. Schelling and Slaughter (2020, 124–25) note that "We lost thirty thousand dead in Korea to save face … and it was undoubtedly worth it." Similarly, Tucker and Glaser (2011) argue that "US inconstancy could convince American allies and friends to rely less on Washington, undertake an arms race, and/or bandwagon with China." In this sense, U.S. Cold War strategy was frequently shaped by the expectation that any perceived abandonment or inconsistency toward one ally could reverberate across the SFS network, encouraging other allies to hedge, disengage, or adopt neutrality.

Consistent with this logic, American wartime allies in Asia expressed concern over Japanese rearmament following the 1951 San Francisco Peace Treaty and therefore sought U.S. security assurances as a quid pro quo for accepting the treaty framework (Office of the Historian 1951a). From this perspective, the alliance audience effect significantly influenced the timing and sequencing of alliance formation within the SFS, as the United States sought to signal credible commitments and reduce the risk of allied discontent. Henry's theory thus offers a direct theoretical challenge to Cha's powerplay thesis by emphasizing reassurance and credibility management rather than hierarchical control as the primary driver of alliance structure.

The strength of this perspective lies in its ability to explain sequencing dynamics and commitment calibration across multiple spokes, clarifying why reassurance concerns can shape both treaty timing and alliance design. At the same time, it encounters an analytical tension between its emphasis on credibility and the relatively qualified and often conditional nature of U.S. bilateral defense commitments in Asia, where domestic constitutional constraints frequently mediate obligations (Mack 1986; Kim 2011; Lum 2012). If credibility is central, then the comparatively weaker and less automatic stipulations in these agreements are difficult to reconcile, especially when contrasted with more explicit collective defense commitments such as NATO's Article V.

Ultimately, the endurance of the SFS despite these ambiguities suggests that alliance audience effects provide important explanatory leverage, particularly regarding signaling and reassurance, but they do not fully account for the structural preference for a bilateral framework.

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COMPARATIVE THEORETICAL ASSESSMENT

This section explains the context in which five theories account for the formulation of bilateral arrangements under the SFS system, in accordance with the framework outlined in Table 1.

In terms of unit of analysis, the powerplay thesis operates primarily at the systemic and hierarchical levels, interpreting alliance design through American strategic asymmetry and the institutional advantages of bilateral control. By contrast, constructivist and Asia-centric normative frameworks emphasize ideational and regional dynamics, highlighting racialized hierarchies, civilizational distinctions, sovereignty norms, and questions of political legitimacy associated with alternative institutional forms. Social exchange theory and the alliance audience effect theory, in turn, shift the focus to relational dynamics within alliances. They emphasize bargaining, dependence, and dissatisfaction in the former case, and reassurance, credibility spillovers, and commitment calibration in the latter. Accordingly, the five theories differ in their unit of analysis, as each illuminates distinct dimensions of a shared design outcome.

Moreover, the five theories generate distinct causal mechanisms to explain the selection of bilateralism as the principal security architecture. The powerplay thesis provides strong evidence of an American preference for bilateralism as a means of preserving autonomy and avoiding entrapment by allies. Constructivist accounts anticipate observable discursive and policy expressions of differential trust and civilizational hierarchy, suggesting that multilateral institutionalization in Asia was less viable than in Europe. Asia-centric normative approaches expect resistance to formal collective defense structures, grounded in sovereignty norms and non-interference principles. Social exchange theory posits that actors engage in bargaining and leverage-seeking behavior, particularly in response to dissatisfaction, in order to reshape their security environment. Meanwhile, the alliance audience effect theory argues that treaty timing and commitment language are calibrated to manage credibility and reassurance across multiple allied audiences. Taken together, these implications are not mutually exclusive; rather, they reflect distinct mechanisms operating under different scope conditions during the formulation period.

The comparative framework is particularly useful for clarifying scope conditions, where the explanatory limits of each theory become most apparent. The powerplay thesis is strongest in contexts characterized by pronounced U.S. asymmetry and a Cold War strategic environment defined by uncertainty. However, its explanatory power declines where allied bargaining agency is more pronounced or where institutional outcomes cannot be attributed primarily to unilateral design. Constructivist and Asia-centric frameworks provide compelling accounts of how ideational ordering, legitimacy concerns, and regional normative resistance shape the viability of alliance structures, but they are less effective in explaining variation among individual spokes during treaty negotiation and sequencing. Social exchange theory is most persuasive in cases such as South Korea, Taiwan, and Japan, where dependence, dissatisfaction, and reciprocal concessions are particularly salient. However, its consistency weakens in the cases of the Philippines and Thailand, where additional mechanisms are required for full explanation. The alliance audience effect theory offers important insights into timing, reassurance, and sequencing across bilateral alliances, but it does not fully explain why a bilateral framework emerged as the dominant structure of the system.

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The issue, therefore, is not that any single theory lacks empirical validity, but rather that its explanatory claims often extend beyond the contexts in which they are most strongly supported. Each theory demonstrates its greatest analytical strength in specific subsets of cases, yet is frequently presented as if it accounts for the system in its entirety. A standardized comparative framework helps make this limitation visible by requiring that each explanation be assessed against uniform cross-case criteria.

The overall evaluation suggests that the main theoretical perspectives should be understood as conditionally complementary rather than mutually exclusive. Each captures a key dimension of the hub-and-spokes system's design, whether hierarchical structure, ideational mediation, relational bargaining, or reassurance dynamics. Nevertheless, no single one accounts for the full institutional outcome across all spokes. This patterned finding provides the basis for the article's turn toward analytical eclecticism: not as a simple theoretical aggregation, but as a systematic effort to identify mechanisms and clarify their interaction within historically constrained conditions during the formation phase.

THE EMERGENCE OF MINILATERAL ARRANGEMENTS IN CONTEMPORARY LITERATURE

Overall, prevailing academic debates do not undermine the five theories presented in this article; rather, they highlight their uneven applicability beyond the core context of SFS formation. Contemporary scholarly discussions of the SFS, particularly in relation to minilateral arrangements such as the QUAD and trilateral formats among the U.S.–Japan–South Korea, U.S.–Japan–Australia, and U.S.–Japan–Philippines, reveal analytical complexities that resist resolution within any single theoretical framework. Instead of adhering rigidly to one explanatory model, much of the current literature simultaneously engages with questions of hierarchy, allied agency, and signalling, thereby combining multiple causal logics.

Given the perceived ambiguity of U.S. global commitments under an "America First" orientation, a substantial body of research suggests that minilateral frameworks reduce dependence on U.S. bilateral dominance by fostering direct cooperation among American allies (Charalampaki 2022; Cooper 2023; Howe 2023, 2025; Koga 2022; Panda and Ohn 2024). On the one hand, contemporary minilateralism challenges interpretations of enduring hub control associated with the powerplay thesis. On the other hand, these arrangements remain embedded within a broader alliance system still anchored in U.S. strategic leadership (Hornat 2023; Laksmana 2022; Lee 2024; He 2025; Ye 2025; Biba 2026), complicating their interpretation as either clear evidence of hierarchical decline or simple extensions of unilateral hub authority.

The analysis of allied agencies within emerging minilateral cooperation adds another layer of complexity. A growing number of studies emphasize the role of secondary states in pursuing minilateral cooperation to enhance security outcomes (O'Neil and West 2020; Kim and Raswant 2023; Kucukdegirmenci 2023; Ha 2022). This perspective aligns with social exchange theory and the alliance audience effect theory, both of which emphasize bargaining dynamics, leverage-seeking behavior, and preference formation within alliance structures.

However, it remains unclear whether such behavior reflects dissatisfaction with existing bilateral arrangements or instead indicates strategic adaptation to evolving U.S. policy priorities, particularly during the Biden administration (Wilkins 2023, 2025; Koga 2024; Campbell 2024; Berkofsky 2025; Castro 2025). The observed empirical pattern can also be interpreted through

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the alliance audience effect logic, whereby horizontal cooperation serves reassurance and signalling functions within an interdependent alliance network, rather than simply constituting a form of balancing behavior (Taniguchi 2024; Thu 2020).

From the perspective of Asia-oriented normative frameworks, minilateral arrangements cannot be reduced to a rejection of hierarchical structures; rather, they operate within a context that continues to recognize U.S. strategic primacy. Accordingly, they should be understood as cooperative adaptations within an existing hierarchical order rather than as normative repudiations of hierarchy itself. This suggests that principles of regional autonomy and sovereignty remain significant without displacing the structural dominance of the United States. While racialized and ideational factors may have shaped the initial postwar alliance architecture, their direct explanatory leverage is more limited in contemporary discussions of multilateralism. This distinction does not weaken constructivist explanations of alliance formation; rather, it clarifies their historical scope and domain of applicability.

Consequently, minilateral arrangements should be understood as analytical stress tests. They illuminate which mechanisms remain robust under shifting geopolitical conditions and which are more closely tied to the historically specific context of the original hub-and-spokes architecture.

TOWARDS OPERATIONALIZING ANALYTICAL ECLECTICISM

The comparative assessment and standardized framework outlined above reveal that the primary explanations for the formation of the hub-and-spokes system vary in explanatory capacity across cases and differ in their tendency to extend generalizations beyond the specific contexts in which each theory demonstrates its strongest validity. Katzenstein and Sil (2008) articulate analytical eclecticism as a methodological approach that enables scholars to selectively integrate empirical observations, causal logics, and interpretations from diverse theoretical traditions. Similarly, Sil and Katzenstein (2010) emphasize that analytical eclecticism is pragmatic, open-ended, and capable of accommodating a broader understanding of causal mechanisms across varied contexts. Drawing on Hirschman's (1970) insights, Sil and Katzenstein (2010) further argue that social scientists should not rely exclusively on a single paradigm while neglecting others, as doing so risks analytical distortion and explanatory blind spots.

In explaining the formation of the SFS, analytical eclecticism functions as a testable framework for specifying how mechanisms derived from different theoretical traditions interact. As discussed above, the SFS emerged from a series of bilateral agreements concluded in diverse strategic, political, and diplomatic contexts. Analytical eclecticism allows for the sequencing of mechanisms, the identification of conditions under which each mechanism is most effective, and the specification of the types of evidence required to substantiate their interaction in the development of the hub-and-spokes system. Accordingly, the formation process can be conceptualized as a sequence of mechanisms operating between 1951 and 1962.

The evident asymmetry of American power, combined with a rapidly evolving Cold War strategic environment and persistent uncertainty, significantly constrained the range of institutional design options available to policymakers. Under these conditions, a bilateral alliance architecture offered Washington greater flexibility while reducing the risk of allied coordination

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that could limit American autonomy. Hierarchical asymmetry, therefore, defined the initial structural parameters shaping institutional choice.

However, structural asymmetry alone did not determine alliance configuration. The second stage involved processes of ideational and normative mediation. In parts of the region, alliance formation was shaped not only by considerations of legitimacy and sovereignty but also by racialized perceptions and varying assumptions about political trust, institutional appropriateness, and regional order. The interaction of these factors influenced the justification and institutionalization of hierarchy, helping to explain why bilateralism in Asia took a distinct form compared to alliance structures in other regions.

The third stage involves relational bargaining and reassurance dynamics. Bilateral alliances were established through negotiated exchanges characterized by leverage-seeking behavior and reciprocal concessions between the hub and the spokes. In addition, commitments made within one alliance generated signaling effects that reverberated across the broader alliance network. In this sense, bargaining dynamics and audience effects went beyond institutional design; they shaped the timing of treaties, the calibration of commitments, and the management of abandonment concerns within an interdependent alliance system. These mechanisms both reinforced and differentiated the bilateral architecture already shaped by hierarchical constraints and ideational-normative mediation.

This sequential configuration generates clear empirical expectations. If the eclectic account is valid, historical evidence should show that policymakers initially constrained institutional options in accordance with strategic and hierarchical considerations. It should also indicate that alliance design and diplomatic framing reflected ideational and normative mediation, including, where relevant, racialized assumptions. Finally, treaty negotiations and commitment signaling should reveal calibrated bargaining processes and reassurance dynamics operating across multiple allied relationships. Where these stages are absent, reversed, or weakly connected, the explanatory power of the eclectic model is correspondingly diminished, suggesting the need to incorporate additional mechanisms or case-specific variables.

CONCLUSION

This article has assessed the formation of the SFS by analysing five prevailing theoretical approaches within a standardized comparative framework. It finds that no single framework can comprehensively explain the logic underpinning the bilateral security architecture established between 1951 and 1962. Rather, each perspective demonstrates conditional explanatory strength, bounded by specific scope conditions.

Accordingly, the article advocates an eclectic approach rather than an overarching grand theory. It identifies the interaction of hierarchical asymmetry, ideational and normative mediation, and relational bargaining and reassurance dynamics in the formation of the SFS. The significance of this sequencing logic lies not only in its ability to reconcile existing interpretations of the SFS but also in demonstrating that alliance formation in asymmetric contexts often depends on the structured interplay of multiple mechanisms rather than a single dominant factor. By clarifying this sequence and its implications, the analysis moves beyond simplistic paradigmatic comparisons toward a more nuanced, middle-range explanation.

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This study contributes at two levels. First, it provides a structured synthesis of five dominant analytical lenses (powerplay, constructivism, Asian norms, social exchange, and alliance audience effects), while clearly identifying both the explanatory strengths and limitations of each, rather than treating them as interchangeable. In doing so, it links abstract theoretical claims to key historical reference points in early Cold War alliance formation, including bilateral treaty choices, regional threat perceptions, and the broader postwar strategic context, thereby clarifying why the hub-and-spokes design remains a persistent puzzle in regional security scholarship.

From a methodological perspective, the article makes a meta-theoretical contribution by showing how selective case usage can weaken the falsifiability of alliance theories, particularly when explanatory claims are extended beyond the contexts in which they are most persuasive. To address this issue, the article develops a standardized evaluative matrix consisting of unit of analysis, expected mechanisms, observable implications, scope conditions, and empirical reach across spokes. This framework clarifies where specific explanations are most effective, where they lose traction, and what forms of evidence would be required to assess an eclectic account.

As a theory-focused review, the article does not directly adjudicate archival evidence across all alliance cases. Its contribution lies in clarifying mechanism-based explanations, specifying their scope conditions, and providing a more consistent comparative basis for evaluating competing accounts of alliance formation. Consequently, it serves as a reference point for future archival and comparative research on the SFS. The proposed framework can be further assessed by examining whether strategic hierarchy initially constrained institutional options, whether ideational and normative mediation shaped the justification of bilateralism, and whether bargaining and reassurance dynamics subsequently influenced treaty timing and commitment language across alliances. The article's contribution lies not only in specifying mechanism-based explanations and their scope conditions, but also in identifying the types of evidence required to evaluate competing narratives of SFS formation.

The recent emergence of minilateral arrangements in regional politics does not undermine the theories examined in this study. Rather, these developments function as analytical stress tests, highlighting the continued relevance of hierarchical arrangements and the context-dependent applicability of formation-centered explanations amid shifting geopolitical conditions. They reinforce the importance of distinguishing between foundational design mechanisms and subsequent adaptation processes.

Future research on alliance architecture should therefore prioritize the interaction of mechanisms, the specificity of historical context, and clearly defined conditional parameters, rather than seeking monocausal explanations grounded in a single theoretical tradition. Approaches that embrace analytical complexity while preserving theoretical distinctions are better suited to capturing the multifaceted nature of institutional formation in environments characterized by strategic asymmetry.

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CRediT AUTHOR STATEMENT

Thaha Albana Turmuzi: conceptualization, formal analysis, data curation, investigation, methodology, resources, writing – original draft, visualization, validation. **Geetha Govindasamy:** conceptualization, supervision, formal analysis, methodology, writing – original draft, writing – review and editing, validation, project administration. **Jo Kyu Hyun:** supervision, writing – review and editing.

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The Anatomy of Peace

By Emery Reves (Author) (Publisher: Association Press 1945)

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Published in the immediate aftermath of the Second World War, *The Anatomy of Peace* is Emery Reves's radical critique of the sovereign state system and its capacity to sustain peace. Written in the intellectual spirit of the postwar period, the book reflects a view widely shared in scholarly discourse: that lasting peace requires the creation of a world federalist model in which states retain internal sovereignty while transferring exclusive authority over war, peace, and the use of coercive force to a supranational federal government.

This foundational work embodies the spirit of a historical era in which humanity, having confronted the horrors of fascism during the Second World War, came to recognize that states are often incapable of resisting evil in isolation. This awareness gave rise to the idea of establishing a supranational system grounded in a body of law common to all, designed to protect fundamental human rights.

In this intellectual context, Sir Hersch Lauterpacht argued in his 1945 work *An International Bill of the Rights of Man* that the relationship between a state and its citizens must be transformed into a matter of international legal obligation, subject to effective oversight by the international community. He famously observed that such developments would entail "restrictions on sovereignty more far-reaching in their implications than any yet propounded in the annals of international utopias" (Lauterpacht 2026).

Today, as genocide and crimes against humanity have once again returned to the forefront of the international agenda, states increasingly resort to the unilateral use of force without authorization from the Security Council – an institution originally entrusted with the maintenance of international peace and security – thereby rendering these proposals newly relevant.

In fact, international institutions, including the United Nations, have become hostages to geopolitical interests, allowing the "law of force" to drown out the "force of law." However, the problem does not lie in the supposed ephemerality of international law or its institutions as such, but rather in the absence of effective enforcement mechanisms, which remain dependent on the sovereign will of states as the primary subjects of international law.

In this context, renewed attention to *The Anatomy of Peace* becomes particularly timely. Reves begins from the stark premise that humanity continues to live without public law at the global level. In his view, humanity will drift toward ever greater barbarism unless it abolishes

what he terms "nation-feudalism" and establishes a social order grounded in the sovereignty of the global community.

For Reves, freedom and security can arise only under a single, supreme source of law. This claim rests on three foundational axioms. First, individual freedom and security emerge solely from law that is democratically created and effectively enforced. Second, individuals must be directly connected to institutions that express the sovereignty of the community at the global level. Third, any intermediary entity exercising sovereign power – whether the nation-state, church, province, or city – inevitably undermines individual rights and erodes democratic governance.

The central argument of the book is that war is not an accident of international politics but a structural consequence of state sovereignty. In Part One of *The Anatomy of Peace*, the author systematically examines the collapse of the principal economic, social, moral, and political frameworks of modern civilization – capitalism, socialism, religion, and nationalism – arguing that each fails not because of its internal ideals, but because all operate within the structurally defective framework of the sovereign nation-state. Finally, he presents fascism as the logical culmination of the aforementioned failures. Fascism is not treated as an ideological deviation, but as the inevitable political outcome of industrial society constrained by nationalism.

Reves contends that if states retain exclusive authority over the use of force, peace remains inherently unstable. In Chapter VI, which opens Part Two of the book, he introduces the concept of "nation-feudalism" to describe a fragmented global order in which sovereign entities exercise unchecked power, producing recurring cycles of violence. In Chapter VII, Reves defines war not as a product of human nature or ideology, but as the inevitable structural consequence of contact between non-integrated sovereign units in the absence of a superior legal authority capable of enforcing law.

The book then continues with Chapter VIII, which addresses the issue of sovereignty by reframing it as a historically contingent and functional concept whose democratic purpose is to secure law, peace, and individual freedom. In the following chapter, *Treaty or Law*, the author advances the claim that the failure of peace after both world wars stems not from defective treaties or misguided leaders but from a fundamental misunderstanding of peace itself. He argues that peace can exist only as a legal order, and that reliance on diplomacy and treaties between sovereign states merely perpetuates a disguised form of war in a world whose economic and technological interdependence has outgrown eighteenth-century political institutions. He contends that replacing the treaty-based system with a legal order endowed with international lawmaking authority, independent judicial institutions, and effective executive enforcement would be necessary for humanity to manage inevitable change without resorting to violence.

Chapter X is of particular interest for its direct engagement with the problem of human rights, as it examines how the structural logic of the sovereign nation-state increasingly undermines individual freedoms. Reves argues that in the modern industrial world, the nation-state has become not only the principal obstacle to world peace but also the primary threat to individual liberty. Far from protecting freedom, the sovereign nation-state increasingly destroys the very democratic rights it claims to defend. The author situates this argument within a recurring historical pattern linking sovereignty, war, and freedom.

Part Three of the book is dedicated to a systematic critique of the dominant postwar doctrines of peace, internationalism, national self-determination, and collective security, exposing them as conceptual fallacies that preserve the nation-state system and thereby perpetuate war rather than prevent it.

In Chapter XI, dedicated to the fallacy of internationalism, Reves argues that this phenomenon fails to transcend nationalism and instead reinforces the sovereign nation-state by operating between, rather than above, national units.

In the following chapter on the fallacy of self-determination, the author contends that the post-1919 embrace of national self-determination intensified conflict by fragmenting humanity into competing sovereign entities, rendering genuine freedom and independence impossible in an interdependent world.

Reves criticizes the League of Nations and similar systems for attempting to secure peace without law in Chapter XIII on the fallacy of collective security, demonstrating that collective security without supranational sovereignty leads to paralysis, selective enforcement, or war.

In Chapter XIV, he addresses and dismantles common objections to a universal legal order, such as fears of global domination, cultural incompatibility, and impracticality, arguing that diversity and scale necessitate law rather than preclude it.

In the final chapter, titled *Law or Conquest*, the book culminates in the stark claim that humanity faces an unavoidable choice between democratic unification through universal law or authoritarian unification through conquest, as security without law inevitably produces expansion and violence.

The postscript situates the book in the aftermath of Hiroshima, presenting atomic power as the ultimate test of sovereignty and the final confirmation of the work's central thesis. Reves rejects arms control, treaties, and the United Nations as illusory remedies, insisting that nuclear danger stems not from technology itself but from the continued existence of sovereign nation-states. Humanity, he argues, now faces an inescapable choice between unification through universal law or through catastrophic war.

The purpose of this review is to reassess Reves's ideas in light of the contemporary geopolitical context. The writing of this review coincided with what may be described as an unprecedented use of force by the US against Venezuela (Milanovic 2026), carried out in violation of fundamental principles of international law, most notably the prohibition of the use of force enshrined in the Charter of the UN. Unilateral military actions by states against the territory of other sovereign states, undertaken without authorization from the Security Council, have become a defining feature of today's international order, assuming such an order can still be said to exist.

In effect, the international community appears to be standing on the threshold of a new "normality." If such actions remain unanswered and unrestrained, there is a risk of normalizing a world in which the law of force replaces the force of law. It is precisely this dynamic that renders Reves's critique newly resonant rather than merely historical or philosophical.

Eighty years after the first publication of *The Anatomy of Peace*, the structural shortcomings of the United Nations as a universal center of international politics responsible for the maintenance of international peace and security have once again become evident, shortcomings that Reves already identified and criticized at the moment of the Organization's

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creation. Over the decades, the UN has sought, sporadically and largely ineffectively, to influence crises and armed conflicts ex post facto, that is, only once they have already erupted and exacted a high human cost. Today, more than ever, reliance on the UN's reactive role, often reduced to formal deliberation without enforcement, appears increasingly precarious.

Such a configuration of international life not only places the very relevance of the UN into question but also threatens to destabilize the existing balance of power in global politics. However, paradoxically, there is no alternative universal institution capable of replacing it. Reform of the UN thus appears inevitable (Mustafayeva 2017).

Although debates over reform have accompanied the Organization since its inception, the issue has taken on renewed urgency as the UN enters its eighth decade. Nevertheless, like many fundamental questions on the Organization's agenda, reform continues to collide with the entrenched veto power, which has effectively paralyzed the Security Council.

As noted earlier, Reves's vision of a supranational legal order was not an isolated intellectual project but part of a broader postwar tradition advocating global governance through law. In his open letter to the United Nations General Assembly of October 1947, Albert Einstein, like Reves, a committed peace activist and advocate of global federalism, emphasized the urgent necessity of international cooperation and the establishment of a world government grounded in world law.

A similar argument was developed in the influential 1960 work by Grenville Clark and Louis Sohn, *World Peace Through World Law* (Grenville and Sohn 1962), which explicitly justified the transformation of the UN into a form of "world government." This idea was further elaborated by prominent Western scholars, including Philip Jessup, Richard Falk, and Georg Schwarzenberger. Comparable views, albeit expressed more cautiously, could also be found in Soviet international legal scholarship.

Among them, S. A. Malinin, examining the prospects of transforming the United Nations into a world government, wrote about the possibility of the Organization adopting so-called "norm-creating decisions" (Malinin 1965). Together with V. P. Kirilenko, he also emphasized the "objective growth of the common interests of all humanity, their priority over class interests, and the consequent qualitative reorientation of international law" (Kirilenko and Malinin 1994). These authors argued that certain elements, or embryonic forms, of world governmental authority were already present within the UN at that stage of its development. Looking forward, they stressed that any move toward endowing the UN with features of a world government would have to take into account the tension between two opposing tendencies characterizing international relations: the tendency toward separation and reinforcement of sovereignty, and the countervailing tendency toward interdependence.

Viewed from this perspective, the embryonic elements of universal or global governance identified by these authors may today be understood as reflected in the development of *jus cogens* (peremptory) norms of international law and *erga omnes* obligations, normative structures that gesture toward a legal order transcending the will of individual sovereign states, even if they remain critically under-institutionalized.

The emergence of these normative developments is closely linked to a broader shift toward the protection of common goods within a fundamentally state-centric system of international law inherited from the Peace of Westphalia. As Villalpando observes, after the Peace of Westphalia, "relations between states were relatively limited," cooperation was minimal,

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and "most international norms were centred on the preservation of each state's personal interest on its own territory, that is, of its sovereign rights" (Villalpando 2010, 390-391).

It is precisely this system, so sharply criticized by Reves, that has begun to undergo an existential transformation, as relations among sovereign states have expanded beyond the pursuit of exclusively national interests toward the protection of so-called "community interests." (Jessup 1948, 12-37). Foremost among these are peace and the security of humanity, values that, by their very nature, require collective protection and, consequently, a distinct category of legal norms capable of regulating them (Villalpando 2010).

These norms are reflected in the emergence of peremptory norms of international law (*jus cogens*), defined in Article 53 of the Vienna Convention on the Law of Treaties (1969), which is widely regarded as the first formal recognition of *jus cogens* in international treaty law. Closely related to *jus cogens* are obligations *erga omnes*, which likewise occupy a special status within the international legal order. Under this normative regime, "all States can be held to have a legal interest in their protection," (Barcelona Traction) signaling an important, albeit incomplete, departure from the purely voluntarist logic of classical sovereignty.

It should nevertheless be emphasized that *jus cogens* norms and *erga omnes* obligations, although formally articulated in treaties criticized by Reves, as well as in decisions of international courts, are not reducible to treaty-based commitments. They also exist as obligations under customary international law, binding upon states independently of treaty consent and without the need for interpretative incorporation through specific treaty regimes.

When addressing the role of treaties, particular attention must be paid to Reves's juxtaposition of "treaty" and "law" in Chapter IX of the book. From the standpoint of positive international law, treaties constitute a primary source of law, on an equal footing with other sources listed in Article 38 of the Statute of the International Court of Justice. Accordingly, the opposition between treaty and law cannot be sustained in a strictly doctrinal sense.

Reves's argument appears instead to envisage "world laws" modeled on national legislation, common norms adopted by a centralized legislative body, such as national parliaments, and binding independently of individual state consent. In fact, international law remains a fundamentally state-centric legal system, lacking any supranational legislative authority capable of producing such norms.

Nor does the United Nations Security Council fill this legislative void. The Security Council is neither a legislative body nor an independent enforcement mechanism, despite widespread misinterpretations of Article 25 of the UN Charter. While its decisions may be binding upon member states, this binding force does not transform the Council into a global legislature; rather, it reflects a limited and politically contingent enforcement mechanism operating within the constraints of state sovereignty.

Consequently, international law remains structurally subordinate to national political interests, confirming Reves's prediction that peace entrusted to sovereign states is ultimately illusory. Violence, in his account, cannot be eradicated so long as it emerges as the inevitable result of contact between non-integrated sovereign units.

On this basis, in Chapter VII, Reves dismisses both disarmament and militarization as fundamentally misguided approaches to peace. Arms, he argues, neither cause war nor prevent it. Disarmament failed in the aftermath of the First World War, just as the existence of massive

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standing armies failed to prevent the outbreak of the Second World War. According to Reves, war, therefore, is not a technical or military problem, but a political and legal one.

This line of reasoning closely resonates with Carl von Clausewitz's classical formulation of war as "the continuation of politics by other means" (Clausewitz 1918), underscoring Reves's central claim that without a transformation of the political and legal structure of international relations, violence remains an inherent feature of the sovereign state system.

Nevertheless, there is no alternative international law, just as there is no alternative to the United Nations, available to us today. This prompts an unavoidable question: perhaps new institutions are not what is needed. The core problem may lie not in international law or the UN as such, but in the persistent lack of effective enforcement mechanisms. Instead of mourning the "death" of international law, which, in fact, remains very much alive, the focus should shift toward strengthening its foundational pillars: those that sustain the international legal order and prevent the world from sliding into complete chaos.

These reflections are written at a moment when the President of the United States, Donald Trump, himself has publicly expressed frustration with the perceived ineffectiveness of the UN despite its considerable potential, and has reportedly proposed an "alternative" in the form of a so-called "Board of Peace," (White House 2026) a development widely discussed in recent news coverage. Whatever the political motivations behind such initiatives, they underscore a broader and increasingly visible impatience with existing multilateral structures.

Critics have already voiced concerns that the proliferation of parallel or ad hoc alternatives risks further fragmenting an already fragile international legal order and poses a direct threat to the authority and coherence of the United Nations (DW 2026).

Taking into account the realities of the contemporary international order, the creation of the higher, unified sovereignty envisioned by Reves appears largely utopian. The political and social conditions required for such a transformation are conspicuously absent. By contrast, the development and refinement of mechanisms for enforcing existing *jus cogens* norms and *erga omnes* obligations seems to offer a more tangible point of departure, one of the few remaining levers in a world that appears to be sliding toward normative disintegration.

Whether Reves's project is politically attainable remains uncertain. What is clear, however, is that without confronting the structural relationship between sovereignty, law, and enforcement, international law risks becoming increasingly detached from the very purpose it was meant to serve.

In conclusion, *The Anatomy of Peace* remains a singular work whose relevance has not diminished over time. For scholars of international law, political theory, and global governance, the book offers more than a historical artifact of postwar idealism. It serves as a diagnostic framework for understanding why repeated efforts to secure peace through international organizations, treaties, and collective security continue to fall short. For students and readers seeking to comprehend the deeper structures of the contemporary world, Reves provides a lens through which the recurring crises of the international system appear not as anomalies but as predictable outcomes.

Reves's work is not merely a book about the past or an unattainable future; it is a challenge addressed to the present, one that concerns the fate of the international legal order and of a world that may still not be too late to save.

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NATO's Meaning and Existence: Within the Interstate Intersubjectivity

By Yunus Emre Ozigci (Author) (Publisher: Vernon Press 2026)

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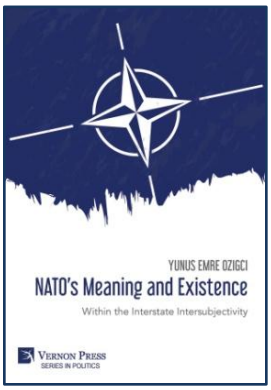

Yunus Emre Ozigci is an exceptional researcher, diplomat, and international relations theorist in his own right. He is a skilled negotiator and a prolific writer deeply rooted in the history of diplomacy. His scholarly work demonstrates that the convergence of continental political philosophy and the field of International Relations (IR) has always been his intellectual aspiration, one he seeks to help bring into reality. He remains firmly committed to this objective, even though publishing his ideas carries the considerable risk of jeopardizing his career in an environment that often rewards conformity over originality.

His NATO's Meaning and Existence (2026), like his previous publications, does not follow the standard script of recycled, uninspiring solutions drawn from outdated textbooks to address contemporary problems. Instead, it offers genuine insight into modern foreign policy, informed by decades of diplomatic experience: he currently serves in Turkey's diplomatic corps in one of the most geostrategically significant regions of Africa. This book provides a contemplative critique of NATO's nature, in contrast to conventional political textbooks that often repeat flattering slogans without critical reflection.

Political philosophers and practicing diplomats typically avoid overlapping areas of inquiry of this kind. Ozigci, however, is determined to demonstrate that NATO, in its current form, is not the most competitive strategic or institutional actor. From his perspective, it faces increasingly unpredictable security challenges and a profound existential crisis that cannot be resolved without conceptual rethinking.

Ozigci does not merely write about the challenges NATO faces; he identifies its moment of Heideggerian "thrownness" into the world, that is, its condition of confronting internal unease generated by forces beyond its control. Ultimately, he also exposes its tendency to obscure or downplay these problems.

This distinguished diplomat and accomplished scholar offers a rare analysis of how NATO navigates the shifting dynamics of bipolar, unipolar, and emerging multipolar world

orders. He draws effectively on IR theory, particularly Waltz's structural realism and Hedley Bull's concept of an international society, to engage more deeply with questions surrounding the ontological status of states, polarity, and structure, as well as the evolving realities of global power configurations. In doing so, he moves beyond a purely constructivist critique of fixed or taken-for-granted assumptions.

Ozigci is at his most compelling when he moves beyond IR theory into political philosophy, phenomenology, and ontology. Rather than assuming NATO to be the dominant strategic or institutional actor and reiterating conventional policy assessments, he critically deconstructs its ontological structure, situating it within the intersubjective reality of its material and theoretical foundations. He calls for a redefinition of NATO's role in today's shifting geostrategic landscape through a deeper philosophical inquiry into how its identity and temporality have evolved across bipolar, unipolar, and emerging multipolar orders. NATO's bureaucratic establishment is likely to reject his arguments, as Ozigci demonstrates that it is increasingly unable to articulate a coherent long-term strategic vision in a rapidly changing security environment. He does not merely critique NATO's current modus operandi as shaped by bureaucratic inertia, which may echo Emmanuel Macron's concerns about institutional stagnation. Rather, he also carefully distances himself from foreign policy populism, even when it contains partial truths, and highlights deeper challenges related to future cognitive and strategic disruptions that adversaries may generate, challenges that decision-makers in Brussels and Washington are still struggling to grasp fully.

Ozigci's original approach invites the reader on an intellectual journey toward understanding NATO's nature. Like any serious ontologist and phenomenologist, he begins provocatively by questioning whether NATO actually exists. He examines its substance and assesses whether its supposed properties can be regarded as real in the strict, narrow sense of objectivity. He treats NATO, as well as the broader field of international relations, as a socially constructed concept, an entity in transition from a bipolar to a multipolar order, shaped by unresolved tensions that influence the temporalization of intersubjective identity rather than institutional persistence. His fusion of phenomenology with IR structural analysis encourages readers to reconsider familiar and seemingly self-evident meanings that are often taken for granted in similar debates, and to interrogate the assumed objectivity of institutional presence.

Office buildings, documents, meetings, declarations, rituals, and officials, elements commonly cited as evidence of NATO's ontological reality, along with the meanings and value ascribed to them, are reinterpreted in an intellectually provocative way that assigns a different existential, intersubjective, and transcendental significance to NATO's institutional architecture than that typically assumed by bureaucrats or policymakers, especially those representing parties to the Washington Treaty.

Ozigci does not take anything for granted. He instead engages deeply with a broader intellectual horizon that appears familiar and largely unchanged since the end of the Cold War. His analytical persistence leads him to expose significant fractures in the conventional architecture of appearances, buildings, documents, rituals, and personnel included. NATO in 2026, in his view, is clearly different from its earlier form, increasingly unable to respond effectively to ongoing cognitive and strategic challenges posed by its adversaries. The path forward, therefore, appears to involve a liberation and rearticulation of meaning beyond conventional strategic discourse.

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In this respect, Ozigci evokes Jacques Derrida through his conceptual agility and his willingness to reanimate and destabilize established categories with intellectual precision and interpretive boldness.

His diplomatic experience gives him a strong foundation for addressing these challenges not in a purely metaphysical sense, but through lived, real-world practice. He clearly recognizes that the world has changed in ways that affect all NATO member states. As a result, conventional objective descriptions and narratives of NATO appear increasingly insufficiently formulated. Ozigci's ontological inquiry is practical, grounded, and accessible, rather than something that can be dismissed as abstract speculation. His method refines IR theory by adding a broader intellectual coherence that goes beyond debates over verifiable evidence, while remaining firmly anchored in empirical reality rather than in abstract philosophical constructions. His attempt to interrogate NATO's existence draws inspiration from the classical Socratic method of questioning foundational assumptions, with a clear emphasis on remaining within the actual world, rather than drifting into metaphorical "metaverses" or purely speculative philosophical spaces.

A key contribution of his approach is that it expands the discussion of NATO beyond the internal perspectives of member states to include how the organization is perceived externally by actors outside the alliance, thereby moving beyond NATO's strictly defensive self-definition. In this deep convergence of continental political philosophy and International Relations, Ozigci reflects on NATO's modus operandi not only in terms of immediate policy challenges but from a more contemplative and philosophical standpoint. In his inquiry into NATO's foundational nature, he draws on Husserlian and Heideggerian phenomenology to explore the intersubjective layers of reality, while also engaging Cartesian existential ontology to examine which properties meaningfully constitute NATO's essence.

His approach is further informed by Sartrean existentialism, in which existence precedes essence, by Merleau-Ponty's analysis of familiarity and perception, and by Alfred Schütz's concept of the lifeworld. He also engages Kantian transcendentalism with its emphasis on normativity in international order, and Hegelian dialectics in examining historical transformation. At times, he provocatively introduces Engelsian materialism to contrast NATO's institutional-material foundations with its dialectical temporal evolution. In doing so, Ozigci integrates philosophical insights from figures such as Edmund Husserl, Martin Heidegger, Jean-Paul Sartre, and Jacques Derrida into the study of International Relations in a way that is both systematic and interpretively ambitious.

While Ozigci is justified in adopting a deeper mode of reflection when analyzing NATO's past, present, and future challenges, particularly in relation to the transition from bipolarity to multipolarity, one limitation of the work is that it is less explicitly critical of NATO's leadership in addressing these issues. That said, this restraint is understandable, as a sharper focus on immediate leadership failures might risk overshadowing the book's broader philosophical contribution and its effort to conceptualize NATO's condition of "thrownness" in a changing world.

This is also a methodological choice that may reflect the influence of Waltz's structural realism and its systemic focus. From a Kissingerian perspective, however, this relative lack of direct critique of leadership could be interpreted as a limitation in an otherwise intellectually robust and conceptually rich work.

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COMPLIANCE WITH ETHICAL STANDARDS

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